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**Speeches**  
**DELIVERED IN THE**  
**CONVENTION,** 1832-33  
**OF THE**  
**STATE OF SOUTH-CAROLINA,**  
**HELD IN COLUMBIA,**  
**IN**  
**MARCH, 1833.**

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**TO WHICH IS PREFIXED**  
**The Journal of Proceedings.**



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# JOURNAL

OF THE

## SOUTH CAROLINA CONVENTION.

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MONDAY, *March 11th*, 1833.

PURSUANT to a Proclamation of the President of the Convention, issued on the 13th day of February, one thousand eight hundred and thirty-three, the Convention of the people of South Carolina re-assembled in the Hall of the House of Representatives, in the town of Columbia, on this day at Meridian.

The Proceedings were opened by a prayer from the Rev. Mr. Ware, after which the roll was called.

The President then addressed the Convention, explaining to them the objects for which they had been called together: In concluding, he announced that as he had been chosen to preside over this body, as Governor of the State, and as another now filled that station, he would, after submitting to the Convention the documents which had induced him to call them together at this time, resign his office into their hands. The documents referred to were then read by the Clerk, consisting of a correspondence between the Commissioner of the Commonwealth of Virginia, and the constituted authorities of this State.—Messrs. George Sistrunk, from St. George's, R. Barnwell Smith, from St. Bartholomews, Robert W. Gill, from Lancaster, Benj. Gause, from Kingston, and James C. Coggeshall, from Prince George, Winyaw, now appeared for the first time, and exhibiting their credentials, were allowed to enrol their names, and take their seats as members of the Convention.

The members were then called on to prepare their votes for a President.—Having voted, Messrs. Butler, Burt, and Quash, were appointed a committee to count the votes and make known the result. The committee reported his Excellency Robert Y. Hayne, Governor and Commander-in-Chief in and over the State, duly elected President of the Convention. Chancellor Johnston and Col. Thomas Pinckney were appointed a committee to wait on the President elect, inform him of his election, and conduct him to the Chair; which having been done, Gov. Hayne, after a short address, entered upon the duties of his station.

On motion of General Hamilton, the following resolutions were adopted unanimously, to wit:

*Resolved*, That a committee of three be appointed to wait on Benjamin Watkins Leigh, Esq. Commissioner of the Commonwealth of Virginia, and invite him to a seat within the bar of this Convention.

*Resolved*, That this Convention will receive Mr. Leigh, standing and uncovered.

The committee consisted of General Earle, Col. I'On, and Mr. Heyward.

On motion of the Hon. C. J. Colcock, it was

*Resolved*, That a committee of twenty-one be appointed to take into consideration the communication of the Hon. Benj. W. Leigh, Commissioner from the State of Virginia, and all other matters connected with the subject, and the course which should be pursued by the Convention at the present important crisis of our political affairs.

The following gentlemen were named by the President to constitute the committee, viz.: Hon. C. J. Colcock, Gen. J. B. Earle, Hon. Wm. Harper, Hon.

J. B. O'Neill, Col. Wm. C. Pinckney, Hon. S. D. Miller, Chancellor Job Johnston, Hon. G. McDuffie, Hon. R. J. Manning, Hon. J. K. Griffin, R. J. Turnbull, B. Rogers, Hon. R. W. Barnwell, Col. J. R. Ervin, Col. J. Bond I'On, T. D. Singleton, Col. P. M. Butler, James A. Black, and Col. John Bauskett.

On motion of Judge Harper, it was ordered that the correspondence between Mr. Leigh and Gov. Hayne should be printed for the use of the Convention; likewise the acts of the late Congress connected with the controversy between the State and the General Government.

On motion of Col. I'On, the members of Congress and the State Legislature who might be present, were invited to a seat within the bar of the Convention.

On motion of Gen. Hamilton, the Convention now adjourned until to-morrow at one o'clock.

**TUESDAY, March 12th, 1833.**

The Convention met, according to adjournment, at one o'clock, P. M. and the proceedings were opened by a prayer from the Rev. Mr. Ray. The roll having been called, the President suggested that as this formality was an unnecessary consumption of the time of the Convention, and as there was no rule requiring its observance, it would, if no objection were made, be dispensed with for the future. The President then announced the names of Gen. James Hamilton, Jr. and Samuel B. Wilkins, Esq. as completing the select committee of twenty-one; these names being substituted for those of his Excellency R. Y. Hayne, now President of the Convention, and of the Hon. Henry Middleton, absent, who, with the gentlemen named yesterday, constituted the select committee of the Convention at its late session.

Judge Colcock, on the part of the committee, stated that they were unable to report to-day, and obtained leave to sit again.

On motion of Gen. Hamilton, the following resolution was adopted.

*Resolved*, That a committee of accounts, to consist of three members, be raised, for the purpose of examining and reporting on the accounts of this Convention, and what balance may stand to its credit in the Treasury, and what further sum may be necessary for defraying the expenses of its present session.

Messrs. Simons, Bauskett, and Chesnut, were appointed the committee.

Mr. Turnbull moved, that until otherwise ordered, the Convention should adjourn from day to day to meet at twelve o'clock meridian, which was agreed to, and the Convention adjourned until to-morrow at that hour.

**WEDNESDAY, March 13th, 1833.**

The Convention met pursuant to adjournment, at Meridian to-day. The proceedings were opened by a prayer from the Rev. Mr. Wofford, and the Journal of yesterday read. The Hon. C. J. Colcock, from the select committee of twenty-one, reported to the Convention an Ordinance and an accompanying Report, on the subject of the Act of the late Congress of the United States, entitled "An act to modify the act of the 14th July, 1832, and all other acts imposing duties on imports."

**THURSDAY, March 14th, 1833.**

The Convention met to-day at 11 o'clock, pursuant to adjournment. The proceedings were opened with a prayer by the Rev. Mr. Keeney, and the journal of yesterday read. Judge Colcock, on the part of the select committee of twenty-one, stated that they were not prepared to make a further report to-day, and obtained leave to sit again.

The following report was then presented by Mr. Wilson, to wit:

The Committee appointed to wait upon our late Members and Senators in Congress from this State, now in Columbia, requesting them to give such genuine information as they may possess in relation to the acts of the Federal Government, growing out of the late Ordinance of Nullification, by the People of this State, in Convention, in November last, have performed the duty assigned them, and beg leave respectfully to

**REPORT,** That the gentlemen lately composing our Delegation in Congress, now in Columbia, deem it unnecessary, as a body, to give any exposition of the acts of Congress referred to, but that the views of those who are members of this Convention, on the subject, will be submitted to the Convention.

The report was, at the motion of Mr. Wilson, ordered to lie on the table.

The Convention then proceeded to the consideration of the Ordinance which had been made the order of the day for to-day. Judge Colcock moved that the Ordinance should be amended by striking out, in the Preamble, the words after the word "imports," and inserting the following, to wit, "as will ultimately reduce them to the revenue standard, and provides that no more revenue shall be raised than may be necessary to defray the economical expenses of the government." The amendment was adopted.

Mr. Wilson moved the following amendments, which were likewise adopted, to wit, that after the word 'Ordinance,' should be inserted, 'adopted by this Convention on the 24th day of November, 1832'—after the word 'passed,' to insert, 'by the General Assembly of this State'—and again, after the word passed, occurring the second time, the same words, to wit, 'by the General Assembly of this State.'

After some discussion upon the question of the adoption of the Ordinance thus amended, in which the Hon. Stephen D. Miller, the Hon. R. W. Barnwell, R. Barnwell Smith, Esq. Gen. Hamilton, and Col. F. H. Elmore took part, Gen. Hamilton moved to re-commit the Report and Ordinance to the committee of twenty-one. Chancellor Johnston moved that the question should be separately taken on the Report and Ordinance. The President stated that, as the Report was not properly before the Convention, the question would be solely on the re-commitment of the Ordinance. Gen. Hamilton then withdrew his motion. After some further discussion as to the adoption of the Ordinance, Mr. Bowie moved that its further consideration should be postponed until to-morrow. This motion was rejected, and on motion of Mr. Butler, the Convention took a recess of two hours.

*4 o'clock, P. M.*

The Convention re-assembled. Mr. J. Walter Phillips moved that the Preamble to the Ordinance should be stricken out. This elicited a debate, in which Mr. Wilson, Mr. Phillips, Gen. Hamilton, and Mr. Whitefield bore a part, when the question being taken, the motion was lost. Judge Colcock then moved that the farther consideration of the Ordinance should be postponed, and that it should be made the order of the day for to-morrow, which was agreed to.

On motion of Mr. Butler, the Report was then taken up, and ordered to be re-committed to the committee of twenty-one. The Convention then adjourned until 10 o'clock to-morrow.

*FRIDAY, March 15.*

The Convention met to-day at 10 o'clock, pursuant to adjournment. After a prayer from the Rev. Mr. English, the Journal of yesterday was read. The following resolution was submitted by Mr. Wilson, to wit:

**Resolved,** That the Librarian receive sixty dollars for his attendance at the Legislative Library during the last and present session of the Convention, and that the President be authorized to draw his warrant for the same.

The Resolution was adopted.

Judge Colcock presented a Resolution, fixing Monday next as the time fixed for the adjournment of the present session of the Convention, which was, at the motion of Mr. Spann, laid on the table.

Judge Colcock presented the Report which was yesterday re-committed to the Committee of twenty-one. Judge Harper, on the part of the same Committee, made a further report, consisting of a Report and Ordinance, in relation to the act of the late Congress, entitled, 'An act further to provide for the collection of duties on imports.'

Gen. Hamilton, on the part of the same Committee, made a third report on the subject of the mediation of Virginia. On motion of Judge Colcock, the two last reports were ordered to be printed, and made the order of the day for to-morrow.

The following resolution was then introduced by Gen. Hamilton, to wit :

*Resolved*, That whilst this Convention, as an offering to the peace and harmony of this Union, in a just regard to the interposition of the highly patriotic Commonwealth of Virginia, and with a proper deference to the united vote of the whole Southern States in favor of the recent accommodation of the tariff, has made the late modification of the tariff, approved by the act of Congress of the 2nd March, 1833, the basis of the repeal of her Ordinance of the 24th November, 1832—Yet this Convention owes it to itself, to the people they represent, and the posterity of that people, to declare that they do not, by reason of said repeal, acquiesce in the principle of the substantive power existing on the part of Congress to protect domestic manufactures : and hence, on the final adjustment in 1842, of the reductions, under the act of the 2nd March, 1833, or any previous period, should odious discriminations be instituted for the purpose of continuing in force the protective principle, South Carolina will feel herself free to resist such a violation of what she conceives to be the good faith of the act of the 2nd March, 1833, by the interposition of her sovereignty, or in any other mode she may deem proper.

This resolution was also ordered to be printed, and made the order of the day for to-morrow. R. Barnwell Smith, Esq. moved to appeal to it the following resolution, which was agreed to, to wit :

*Resolved*, That it is the opinion of this Convention, that the military preparations heretofore begun by the State, should be continued, and that effectual measures should be adopted and completed, for putting the State in a firm attitude of defence.

The Ordinance, which was made the order of the day, was then taken up for consideration.

On the motion of Chancellor Johnston, it was agreed to re-consider the question as to the adoption of the Preamble to the Ordinance. Mr. J. Walter Phillips moved to strike it out. On this question, Mr. Turnbull, Mr. Phillips, Judge Richardson, and Mr. McDuffie addressed the Convention. Mr. Turnbull then moved to amend the Preamble, by substituting the words 'provided for,' for the word 'made,' which was agreed to. The ayes and noes were then taken on striking out the Preamble, and were as follows :

AYES—Messrs. Brockman, Crooke, Chesnut, Cannon, Clinton, R. Ervin, Evans, Gibson, Gause, Gill, James, Lancaster, McCord, O'Neill, P. Phillips, J. W. Phillips, Perry, J. S. Richardson, Sistunk, Whitten, Wilkins.—21.

NOES—B. Adams, J. Adams, Ayer, J. Anderson, R. Anderson, Arnold, Baker, Ball, Bee, Boone, Barnwell, Bradwell, Blewett, Butler, John G. Brown, J. G. Brown, Baukett, A. Burt, F. Burt, Barton, Bowie, Black, Belin, Cohen, Cordes, T. H. Colcock, C. J. Colcock, Capers, Clifton, Caughman, Counts, Chambers, Campbell, Cureton, Coggeshall, Dubose, Dawson, J. Douglas, G. Douglas, Elmore, Earle, J. R. Ervin, W. Evans, Felder, Fuller, T. R. Gourdin, P. G. Gourdin, Goodwin, Gilliard, Griffin, Glenn, Gregg, J. Hamilton, jr. Heyward, Harper, Harrison, Hatton, Harilee, Huguenin, I'On, Jeter, Johnston, Jacobs, Keith, Key, King, Levy, Lowry, Lacoste, Legare, Lawton, Long, Lipscomb, Logan, Littlejohn, Magrath, Maner, Murray, Mills, McCall, Means, Mays, McDuffie, Moore, J. L. Miller, S. Miller, J. B. Miller, Newell, O'Bannon, Parker, Porcher, Palmer, C. C. Pinckney, W. C. Pinckney, Quash, Rivers, Rowe, Rogers, Ray, J. G. Spann, J. Spann, Simons, Shand, J. M. Smith, G. H. Smith, W. Smith, S. Smith, Stringfellow, Scott, Symmes, Sims, Shannon, Singleton, Stephen, Turnbull, Tyler, Tydiman, Ulmer, Vaught, Vanderhorst,

Wilson, Walker, Williams, Woodward, Whatley, Wardlaw, Watt, Williamson, Whitefield, Waities, Ware, Warren, Young—136.

The question was then put as to the adoption of the Ordinance, and the ayes and noes being taken, were as follows :

**AYES**—B. Adams, J. Adams, Ayer, J. Anderson, R. Anderson, Arnold, Barker, Ball, Bee, Boone, Barnwell, Bradwell, Blewett, Butler, John G. Brown, J. G. Brown, Bauskett, A. Burt, F. Burt, Barton, Brockman, Bowie, Black, Belin, Cohen, Cordes, T. H. Colcock, C. J. Colcock, Capers, Clifton, Caughman, Counts, Crooke, Chambers, Campbell, Cureton, Chesnut, Cannon, Clinton, Coggeshall, Dubose, Dawson, J. Douglas, G. Douglas, Elmore, Earle, Ervin, R. Ervin, Evans, W. Evans, Fuller, T. L. Gourdin, P. G. Gourdin, Gilliard, Griffin, Glenn, Gibson, Gregg, Gause, Gill, J. Hamilton, jr. Heyward, Harper, Harrison, Hatten, Harlee, Huguenin, I'On, Jeter, Johnston, James, Jacobs, Keith, Key, King, Levy, Lowry, Lacoste, Legare, Lawton, Long, Lipscomb, Logan, Littlejohn, Lancaster, Magrath, Maner, Murray, Mills, McCall, Means, Mays, McDuffie, Moore, J. L. Miller, S. D. Miller, J. B. Miller, Nowell, O'Neall, O'Bannon, P. Phillips, Parker, Porcher, Palmer, Perry, C. C. Pinckney, W. C. Pinckney, T. Pinckney, Quash, J. S. Richardson, Rivers, Rowe, Rogers, Ray, J. G. Spann, J. Spann, Simons, Shand, J. Smith, J. M. Smith, G. H. Smith, W. Smith, S. Smith, Stringfellow, Scott, Symmes, Sims, Shannon, Singleton, Stephen, Sistrunk, R. B. Smith, Turnbull, Tyler, Tydiman, Ulmer, Vaught, Vanderhorst, Wilson, Walker, Williams, Woodward, Williamson, Wardlaw, Whatley, Whitefield, Whitten, Watt, Waties, Wilkins, Ware, Warren, Young.—153.

**NOES**—Felder, Goodwin, M'Cord, J. W. Phillips.—4.

Messrs. Whitten, Perry, Lipscomb, and J. R. Ervin, obtained leave to be absent from the Convention during the remainder of its session.

The Report accompanying the Ordinance first adopted, was then taken up for consideration. The Report was read by the President, and the question put as to agreeing to the amendment reported by the committee, recommending to strike out the words 'and triumph,' which passed in the affirmative.

Mr. R. Barnwell Smith, the Hon. S. D. Miller, Judge Colcock, and Gen. Hamilton addressed the Convention on the adoption of the Report, and the question being taken, it was agreed to. The Convention then adjourned until to-morrow at ten o'clock.

#### SATURDAY, March 16.

The Convention met at ten o'clock, A. M. pursuant to adjournment. The proceedings were opened with a prayer from the Rev. Mr. Jackson, and the Journal of yesterday read. The following Report was presented by the Hon. J. L. Wilson, to wit :

The engrossing committee to which was referred the Ordinance passed yesterday in Convention, for rescinding the Ordinance of Nullification, adopted on the 24th of November last, beg leave to report the same as engrossed, and suggest the propriety of the same order of signature as was observed in the Ordinance of Nullification.

J. L. WILSON,  
*Chairman.*

On motion of Mr. Miller, it was ordered that the ratification should be according to the usual parliamentary form, viz. by the signatures merely of the President and Clerk. The Ordinance as engrossed, after having been read by the Chair, was so ratified, in the presence of the Convention.

The accompanying Report was then taken up, and adopted by the Convention. A recess was then taken until 12 o'clock, M.

#### Twelve o'clock, M.

The Convention re-assembled. Mr. S. L. Simons, from the committee on accounts, presented the following Report, to wit :

The committee on accounts, to whom was referred a Resolution instructing them to examine and report on the accounts of this Convention, and what balance may stand to its credit in the Treasury; and what further sum may be necessary for defraying the expenses of its present session, beg leave to

#### REPORT,

That they have carefully examined all the accounts which were contracted under the orders of the Convention, together with the pay roll of its members and officers, and find them correct in every particular. Of the sum of ten thousand dollars appropriated by the Legislature for the use of the Convention, eight thousand, three hundred and eighty-five dollars 53-100 have been disbursed, and a balance of one thousand six hundred and fourteen dollars 47-100 remain to its credit in the Treasury. Taking the expenditures of the former as a guide for the wants of the present session, your committee would respectfully recommend the adoption of the following resolution—*Resolved*, That the President of this Convention be authorized to issue his warrants on the Treasury, to the amount of ten thousand dollars, for the purpose of defraying the expenses of its present session, if so much be necessary.

S. L. SIMONS,  
*Chairman.*

This resolution was adopted by the Convention. On motion of Mr. Miller, a resolution was passed, inviting the Hon. Dixon H. Lewis, a Representative in Congress from the State of Alabama, to a seat within the bar of the Convention.

The Report and Ordinance on the Force Bill, which had been made the order of the day, were then taken up. The Ordinance was announced by the President to be first in order. The Hon. R. W. Barnwell moved to strike out so much of the Ordinance as relates to the requisition of an oath of allegiance. The following motions to amend having precedence, were first put and adopted, to wit: that the words 'or appointed,' should be added after the word 'elected,'—the word 'such' be inserted after the word 'any,' in the first line of the last paragraph; and the words 'heretofore elected or hereafter to be elected,' be stricken out.

Mr. Barnwell's motion being now again before the Convention, on motion it was ordered that when the question should be taken, it should be by Ayes and Noes. Upon this question a discussion arose, in which Judge O'Neal, Judge Harper, Mr. Turnbull, and Mr. P. Phillips took part. Mr. Wilson proposed to amend the Ordinance, by striking out all after the words 'We further ordain,' and inserting the following, to wit: 'That no person who shall be hereafter elected or appointed, or who has heretofore been elected, but who has not yet taken the oaths of office required at the time of his election or appointment, to any office civil or military within the State, (members of the Legislature excepted,) shall enter on the execution of such office, or be in any respect competent to discharge the duties thereof, until he shall have taken, in addition to the oaths of office now required, at the same time, and in the same manner that such oaths are required to be taken, the following oath of allegiance:

'I declare myself a citizen of the free and sovereign State of South Carolina; I declare that my allegiance is due to the said State, and thereby renounce and abjure all other allegiance incompatible therewith, and I will be true and faithful to the said State, so long as I continue a citizen thereof: So help me God.'

And it is further ordained, that if any officer heretofore elected, shall refuse or neglect to take the aforesaid oath, within the time that other oaths of office are required by law to be taken, such office shall be considered vacant, and the Governor of the State shall proceed (except in the instance of Judges of the State) to fill such vacancy, by appointing an officer, to serve until another officer shall be elected and qualified.

This amendment was ordered to be printed. The Convention then took a recess of two hours.

*Six o'clock, P. M.*

The Convention re-assembled. Mr. Barnwell moved to lay the Ordinance upon the table and to take up the Report and Resolutions, relating to the Virginia Mediation, which was agreed to. Mr. Perry moved that the question should be taken separately on the Report and Resolutions, which was agreed to. The Resolutions being first in order, were considered and unanimously adopted, and were ordered to be so entered on the Journals. The Report was then taken up, and adopted by the Convention. The Convention then adjourned until Monday at 10 o'clock.

*MONDAY, March 18th, 1833.*

The Convention met pursuant to adjournment, at 10 o'clock, A. M. The proceedings were opened by a prayer from the Rev. Mr. Tradewell, and the Journal of yesterday read. The amendments of Mr. Wilson to that part of the Ordinance relating to the oath of allegiance, were then taken up for consideration, and supported by the mover. On motion of Mr. Barnwell, a recess was taken until 4 o'clock, P. M.

*Four o'clock, P. M.*

The Convention re-assembled, and Mr. Wilson's amendments were again taken up. On his motion, the Ayes and Noes were taken and found to be as follows :

**AYES**—R. Anderson, Arnold, Bradwell, Boone, J. G. Brown, F. Bart, Barton, Black, Cordes, Felder, P. G. Gourdin, Goodwin, Gilliard, Hatton, King, Long, Lancaster, M'Cord, W. C. Pinckney, Rowe, J. G. Spann, J. Spann, W. Smith, Scott, Singleton, Ulmer, Wilson, Walker, Williams, Whitefield—30.

**NOES**—Robert Y. Hayne, President, Benjamin Adams, James Adams, Ayer, J. Anderson, Baker, Bee, Barnwell, Blewett, Butler, John G. Brown, Bauskett, A. Bart, Brockman, Bowie, Belin, Cohen, T. H. Colcock, C. J. Colcock, Capers, Clifton, Caughman, Counts, Crooke, Chambers, Campbell, Cureton, Cheanut, Cannon, Clinton, Coggeshall, Dubose, Dawson, J. Douglas, G. Douglas, Elmore, Earle, R. Ervin, W. Evans, J. P. Evans, Fuller, T. R. Gourdin, Griffin, Glenn, Gibson, Gregg, Gause, Gill, James Hamilton, jr. Heyward, Harrison, Harlee, Huguenin, I'On, Jeter, Johnston, James, Jacobs, Keith, Key, Lowry, Levy, Lacoste, Lawton, Logan, Littlejohn, Magrath, Maner, Murray, Mills, M'Call, Means, Mays, McDuffie, Moore, J. L. Miller, S. D. Miller, J. B. Miller, Nowell, O'Neill, O'Bannon, P. Phillips, J. W. Phillips, Parker, Porcher, Palmer, Perry, Thomas Pinckney, Charles C. Pinckney, Rivers, Rogers, Ray, Simons, Shand, James M. Smith, G. H. Smith, S. Smith, R. B. Smith, Stringfellow, Symmes, Sims, Shannon, Stevens, Sistrunk, Turnbull, Tyler, Tydman, Vaught, Woodward, Williamson, Wardlaw, Waties, Whatley, Watt, Wilkins, Ware, Warren, Young—118.

Chancellor Johnston then proposed to amend the Ordinance, by striking out all after the first paragraph, and inserting the following, to wit :

We do further ordain and declare, that the allegiance of the citizens of this State, while they continue such, is due to the said State ; and that obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the State : and the General Assembly of the said State is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the State, or such of the said officers as they may think fit, of suitable oaths or affirmations, binding them to the observance of such allegiance, and abjuring all other allegiance, and, also, to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.

The Ayes and Noes were called for on this question, and found to be as follows :

**AYES**—Robt. Y. Hayne, President, B. Adams, Ayer, J. Anderson, Baker, Ball, Bee, Boone, Barnwell, Blewett, J. G. Brown, Bauskett, A. Bart, Bowie,



Belin, Cohen, Cordes, T. H. Colcock, C. J. Colcock, Capers, Caughman, Coggeshall, Counts, Chambers, Campbell, Dubose, Dawson, J. Douglas, G. Douglas, Elmore, Earle, Fuller, Griffin, Glenn, J. Hamilton, jr. Heyward, Harrison, Hatton, Harlee, Huguenin, I'On, Jeter, Johnston, Jacobs, Keith, Legare, Lawton, Long, Logan, Littlejohn, Magrath, Maner, Murray, Mills, McCall, Means, Mays, McDuffie, Moore, J. L. Miller, Nowell, O'Bannon, Parker, Porcher, Palmer, C. C. Pinckney, T. Pinckney, Quash, Rivers, Rogers, Ray, J. G. Spann, Simons, Shand, J. M. Smith, G. H. Smith, S. Smith, R. B. Smith, Stringfellow, Sims, Stevens, Turnbull, Tyler, Ulmer, Vaught, Vanderhorst, Williams, Wardlaw, Watley, Watt, Young.—90.

NOES—J. Adams, R. Anderson, Arnold, Bradwell, Butler, J. G. Brown, F. Burt, Barton, Brockman, Black, Clifton, Crooke, Cureton, Chesnut, Cannon, Clinton, R. Ervin, W. Evans, J. P. Evans, Felder, T. L. Gourdin, P. G. Gourdin, Goodwin, Gilliard, Gibson, Gregg, Gause, Gill, James, Key, King, Levy, Lowry, Lacoste, Lancaster, S. D. Miller, J. B. Miller, M'Cord, O'Neill, P. Phillips, J. W. Phillips, Perry, W. C. Pinckney, Rowe, J. Spann, W. Smith, Scott, Symmes, Shannon, Singleton, Sistrunk, Tydman, Wilson, Walker, Woodward, Williamson, Whitefield, Waties, Wilkins, Ware, Warren.—60.

The Hon. S. D. Miller moved to strike out all that part of the Ordinance after the word "thereof," in the 13th line.—The Ayes and Noes were again called for, and were as follows :

AYES—J. Adams, R. Anderson, Arnold, Baker, Bee, Boone, Bradwell, Blewett, John G. Brown, F. Burt, Barton, Brockman, T. H. Colcock, C. J. Colcock, Clifton, Counts, Crooke, Cureton, Chesnut, Cannon, Clinton, J. Douglas, Earle, R. Ervin, J. P. Evans, Felder, Fuller, T. L. Gourdin, P. G. Gourdin, Gilliard, Griffin, Gibson, Gause, Gill, Harrison, Jeter, Johnston, James, Keith, Levy, Lowry, Lacoste, Lawton, Littlejohn, Lancaster, Means, J. L. Miller, S. D. Miller, J. B. Miller, Nowell, O'Neal, P. Phillips, Palmer, Perry, Rowe, Ray, J. G. Spann, James Spann, Wm. Smith, Stringfellow, Shannon, Singleton, Sistrunk, Tyler, Tydman, Ulmer, Wilson, Walker, Wardlaw, Watley, Wilkins, Ware, Warren.—73.

NOES—Robert Y. Hayne, President, Benj. Adams, Ayer, J. Anderson, Ball, Barnwell, Butler, J. G. Brown, Bauskett, A. Burt, Bowie, Black, Belin, Cohen, Cordes, Capers, Caughman, Chambers, Campbell, Coggeshall, Dubose, Dawson, G. Douglas, Elmore, W. Evans, Goodwyn, Glenn, Gregg, J. Hamilton, jr. Heyward, Hatton, Harlee, Huguenin, I'On, Jacobs, Key, King, Legare, Long, Logan, Magrath, Maner, Murray, Mills, McCall, Mays, McDuffie, Moore, M'Cord, O'Bannon, J. W. Phillips, Parker, Porcher, C. C. Pinckney, W. C. Pinckney, T. Pinckney, Quash, Rivers, Rogers, Simons, Shand, J. M. Smith, G. H. Smith, S. Smith, R. B. Smith, Scott, Sims, Symmes, Stevens, Turnbull, Vaught, Vanderhorst, Williams, Woodward, Williamson, Whitefield, Watt, Waties, Young.—79.

The question was then taken on the adoption of the Ordinance as amended, and the Ayes and Noes found to be as follows :

AYES—Robert Y. Hayne, President, B. Adams, J. Adams, Ayer, J. Anderson, R. Anderson, Arnold, Baker, Ball, Bee, Boone, Barnwell, Bradwell, Blewett, Butler, John G. Brown, J. G. Brown, Bauskett, A. Burt, F. Burt, Barton, Bowie, Black, Belin, Cohen, Cordes, T. H. Colcock, C. J. Colcock, Capers, Clifton, Caughman, Counts, Chambers, Campbell, Coggeshall, Dubose, Dawson, Douglas, J. Douglas, Elmore, Earle, W. Evans, Felder, Fuller, T. L. Gourdin, P. G. Gourdin, Goodwyn, Gilliard, Griffin, Glenn, Gregg, J. Hamilton, jr. Heyward, Harrison, Hatton, Harlee, Huguenin, I'On, Jeter, Johnston, James, Jacobs, Keith, Key, King, Lacoste, Legare, Lawton, Long, Logan, Littlejohn, Lancaster, Magrath, Maner, Murray, Mills, McCall, Means, Mays, McDuffie, Moore, J. L. Miller, S. D. Miller, J. B. Miller, M'Cord, Nowell, O'Bannon, J. W. Phillips, Parker, Porcher, Palmer, C. C. Pinckney, W. C. Pinckney, T. Pinckney, Quash, Rivers, Rowe, Rogers, Ray, J. G. Spann, Jas. Spann, Simons,

Shand, J. M. Smith, G. H. Smith, W. Smith, S. Smith, R. B. Smith, Stringfellow, Scott, Sims, Symmes, Singleton, Stevens, Turnbull, Tyler, Tydiman, Ulmer, Vaught, Vanderhorst, Walker, Williams, Woodward, Williamson, Wardlaw, Whatley, Whitefield, Watt, Waities, Ware, Warren, Young—182.

NOES—Brockman, Crooke, Cureton, Chesnut, Cannon, Clinton, R. Ervin, J. P. Evans, Gause, Gill, Levy, Lowry, O'Neale, P. Phillips, Perry, Shannon, Sistrunk, Wilson, Wilkins—19.

The following letter from Judge Richardson was then read, to wit :

March 18th, 1833.

GENTLEMEN—According to my individual understanding of the end and object of the high trust confided in me, by the people, who made me a delegate to the State Convention of South-Carolina, they have been, virtually, fulfilled, by the present adjustment of the Tariff, our proceedings thereupon, and the answer to the Virginia commission. I beg leave, therefore, with deep regard for the confidence which has been reposed, to resign my seat.

With the highest consideration and respect,

Your obedient servant,

J. S. RICHARDSON.

To the President and Members of the General Convention }  
of the State of South-Carolina. }

This letter was ordered to lie on the table.

The Report accompanying the Ordinance just adopted, was read, and on motion of Mr. Edwin J. Scott, amended by striking out that part of the sentence preceding the last after the word 'State.' The Report as amended was then adopted by the Convention.

It was moved to take up the Resolutions introduced on Thursday last by Gen. Hamilton and R. Barnwell Smith, Esq. but the vote being taken, it was agreed not to consider them.

The Hon. J. L. Wilson, from the engrossing committee, reported the Ordinance Nullifying the Force Bill, as engrossed. It was then ratified by the signatures of the President and Clerk, in the presence of the Convention.

Gen. Hamilton then introduced the following resolutions, which were adopted, to wit :

*Resolved*, That the Clerk do order to be printed by the Printer of this Convention, to be appended to the copies now on hand of the proceedings of the former session of the Convention, five hundred copies of each, to be distributed to each member of the Convention and Legislature—also, separately, three thousand copies of the Ordinance and Reports of the present session, to be distributed to the people of this State ; and it be made the duty of the Clerk to attend to the distribution of the same.

*Resolved*, That the President of this Convention do transmit to the President of the United States, and to the Governors of the several States, copies of the Reports and Ordinances of this Convention, adopted at its present session.

It was now moved by Gen. Hamilton, that the Convention should resolve itself into a committee of the whole ; which being agreed to, Mr. Turnbull was called to the chair. Col. Samuel Warren then introduced the following resolutions, which were adopted unanimously and ordered to be so entered on the Journal, to wit :

*Resolved unanimously*, That the thanks of this Convention be presented to His Excellency Robert Y. Hayne, for the dignity, ability, and impartiality, with which he has presided over its deliberations.

The committee rose and reported to the Convention. On motion of Mr. Turnbull it was.

*Resolved*, That the Convention do now adjourn, *sine die*, and that it be dissolved.

After a prayer from the Rev. Mr. Ray, the Convention adjourned accordingly.

## **SOUTH CAROLINA CONVENTION.**

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### **Opening Address of Gen. Hamilton, PRESIDENT OF THE CONVENTION.**

GENTLEMEN—In exercising the power of calling you together, which you were pleased to place in my hands at your adjournment, I have both regretted and been sensible of the inconvenience to which I must have subjected many of you, in being compelled to leave your homes at a season so essential to the success of the agricultural labours of the whole year. It must however have been manifest to you, from the nature of the proceedings of this body at its former meeting, that its reassembling after the adjournment of Congress, was an event of highly probable occurrence. Before however this necessity was demonstrated, I was officially apprized by the Governor of South Carolina, on the 5th February, of the arrival of a commissioner on the part of the State of Virginia, bearing certain resolutions adopted by the General Assembly of that State, respectfully soliciting of this State, a suspension or rescinding of the Ordinance of her Convention until the adjournment of the next session of Congress. These resolutions were accompanied by an application on the part of the gentleman in this commission, that this Convention should be convened at an early moment. The high source from which this mediation emanated, the friendly dispositions by which it was obviously dictated, borne too and advocated by a gentleman so long and so advantageously known as among the most able and devoted champions of the rights of the States, left me by what I was quite sure would be your own decision, no other alternative (if my own inclinations had been wanting) than a compliance with the wishes of that distinguished Commonwealth, as communicated by her worthy Representative. As I was however perfectly satisfied that no decision on the propositions of which he was the bearer, could be made prior to the adjournment of Congress, the period of your assembling has been arranged to meet both contingencies.

You have thus assembled, gentlemen, and the proposed mediation of Virginia is met concurrently by the passage of an act by the Congress of the United States, modifying the tariff of the 14th of July last, and by an act entitled "an act more effectually to provide for the execution of the Revenue Laws."

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In bringing both these laws to your view, and invoking your mature consideration of their provisions and objects, it would not become me to make any suggestions as to the course it behoves you to pursue, in reference to these measures. If the first is not in all respects satisfactory, as coming up to that measure of justice, to which the South had a fair claim, and is liable to some important objections, it, nevertheless, provides for the commencement of an early, though gradual amelioration of that system, against which we have so long complained, and for an ulterior recognition of the constitutional principles upon which our rights are assumed to rest. In forming your estimate, however, of whatever may be its intrinsic value, you will not be insensible to the fact, that it is a compromise of extremely vexatious and conflicting interests made in the spirit of peace, as an offering to the concord and tranquillity of our common country. In such a spirit our Representatives in Congress voted for it, and in such a spirit must we consider it, whatever may be our final decision on the measure. This adjustment, however, comes to us, at least with this compensation for the justice which it yet withholds—that all that has been beneficially accomplished by it for the country, is to be attributed to the action of this Convention, and the energy, decision, and love of liberty, of that people, by whom our proceedings have been sustained. We may surely say this without an unworthy vaunting, when the most able of our opponents has borne testimony to the truth of this fact.

It is greatly to be regretted, with a single view to the harmony and repose of the country, that this adjustment should be accompanied by the other measure to which I have invited your attention.

If we could regard the act, which provides by its title, “for a more effectual execution of the revenue laws,” but which, in fact, provides for the coercion of a Sovereign State in this Union, as an empty defiance got up as a mere *salvo* for the wounded pride, or to gratify a worse passion of the Executive, we might permit it silently to pass by, with that reprobation with which, not posterity alone, but at an early moment, a contemporary age, will visit it, standing impotently, as it will stand, a dead letter on our Statute Book; but as a precedent engrafted on our Laws, it is of the most serious and portentous import, furnishing, as it does, the most unequivocal evidence, that as far as the authority of law extends (independently, thanks be to God, of the spirit of a free people) by a single act of legislation, the character of our Government is changed, and a military despotism placed at the disposal of the Executive, when he shall determine in his own discretion, that a

fit exigency has arisen for its exercise. The broad usurpation in this law, of the right on the part of Congress to coerce a Sovereign State in this Union, when this power was solemnly withheld by the Convention that formed the Constitution, the utter annihilation of our judiciary in cases clearly within their exclusive jurisdiction, and the still more revolting circumstance that in obeying the laws of their own State, and executing the mandates of their own Courts, the lives of our citizens are placed at the mercy of the standing forces of the Union, all concur to present an epoch in the public liberty of the country, which ought not to be allowed to pass without your animadversion. And you will permit me further to remark, whether the adjustment of the Tariff be deemed satisfactory or not, that much remains for you to do, in making of constitutional record in an enduring form those great conservative principles, which have borne us yet through this contest, to say nothing of the necessity of providing those securities which may in all future time, command the fealty and obedience of those who receive the protection of our laws.

You will now, I trust, allow me to refer to a matter which is personal to myself. The distinguished station I now occupy, I owe to the accidental circumstance of my having been the Chief Magistrate of this State, when the Convention first assembled.

Another individual now on this floor fills that post. I feel that I am not alone paying a proper deference to an established and valuable precedent, but a just homage to superior personal claims and more eminent qualifications, when I signify in the presence of this Convention, that it is my purpose after the reading of the correspondence I now communicate, between the Commissioner from Virginia and the public authorities of this State, to resign this seat.

In making this declaration, permit me to superadd to it my unfeigned acknowledgments for your past kindness and confidence, and my fervent prayer, that the God of all mercy and truth may so order and govern our proceedings, that they may redound to the liberty, peace, and happiness of our Country.

### Speech of the Hon. S. D. Miller, OF CLAREMONT.

*The Report of the Committee of 21, on the subject of the recent modification of the Tariff, by the passage of Mr. Clay's Bill, and the Ordinance, reported by them, to rescind the Ordinance of the last Session of the Convention, being under consideration;—and a call for information having been made upon those of our Delegation in Congress, who were members of the Convention, Mr. Miller said :*

In declaring himself yesterday ready to give an account of the transaction of these things, by Congress, he had only meant to

speaking for himself. It had, however, been his fortune, to witness or to take part in all the leading facts of this history, during all the latter and more decisive circumstances of the contest.

The act of 1832 (he said) was distinctly known by all those who were actors in the matter, to be intended by those whose influence accomplished it, to be final. We then declared, that South Carolina would not and could not be satisfied with it, as such. We were disregarded. Upon this ensued that determined displeasure of the people of this State, which led to the decisive measures, taken at the close of the last year. These measures at once changed the whole face of affairs, that had seemed settled against us. The Administration was compelled to reverse its scheme, even before it had taken effect. The revenue, just before pretended to be reduced to the wants of the Government, was now avowed to be about to give a surplus of six millions, and a reduction to that extent was recommended by the President himself. To that recommendation we offered no obstruction. The high tariff party looked upon it as a complete overthrow, and execrated it as the triumph of Nullification—as the work of our principles alone.

To shew the general sense of the country, and with it, the peculiar purposes that lay under the seeming wisdom of the President's course, there was a story, current enough at Washington, and certainly probable, though he could not assert it to be true. It was said, that some gentleman, rather more a lover of the general tranquility of the country, than versed in party politics, had taken occasion warmly to thank the President for his Message, and to assure him, that it had pleased nine-tenths of the nation. "Wait till you see my Circular," replied he, "you shall then see me please the remaining tenth."

The Proclamation came; and he did so please that tenth, lately so abject and overthrown. He set the high Tariff party once more firmly on their legs. They hailed the Proclamation as a new lease of life to them, as a pledge, that all law and the entire tranquillity of the country should be overturned, rather than that their system should be harmed.

Nearly with this, however, an administration scheme to reduce the Tariff, founded upon the message, was set on foot. He meant Mr. Verplanck's Bill. Willing to disregard the violence of the President's doctrines, if we might only obtain practical justice, we acquiesced in the scheme. Yet your Ordinance—your appeals to the general sense and justice of the country, he withheld from the national council, to which they were addressed. The President long refused to transmit them. He would not so far sanction such doctrines, as to lay them before Congress. It was only my col-

league's motion that extorted them from him. The next day witnessed a temper and proceedings still more threatening. It brought the message against South Carolina, and the demand, upon Congress, for the Enforcement Bill. The Tariff reduction was dropt at once ; Verplanck's Bill thenceforth began, amidst the desertion of its Tariff friends, and the neglect of its administration supporters, to flounder slowly onward towards a defeat, now ultimately certain.

It was at this moment, when all other hope was gone, that Mr. Clay's Bill was offered. To that Bill, the whole South at once acceded. If, in the Senate, Virginia and Georgia were divided, it was notorious that those States were thoroughly united with us, upon this compromise. Still, on the part of the administration, it had every obstacle to meet, that could be thrown in its way. In the Senate, the usual rules were changed, in order to embarrass it. Every effort was made to force on Wilkins's Bill, in preference. In the other House, the same administration tactics were observed ; and it was there that, finally, from the very attempt of the administration to pass the Force Bill, rather than Verplanck's (all hope of passing which was now abandoned) a strong and sudden feeling of the danger of the country sprang up, and Mr. Clay's compromise was hastily adopted.

In that compromise, the position of South Carolina forced us to concur. The question was become, from the manner in which the doctrines of the Proclamation had been preferred, by far the largest party of the country, to ours, one of Union or Disunion, of War or Peace. Your Representatives were compelled to choose, not between this compromise and your rights, but between this compromise and an issue of force.

In its first form, we were bound to accept the Bill. The subsequent modifications made it more objectionable ; as to the *home valuation*, there was a difficulty. On this point, my colleague's views have been made public. Mine were different. I did not regard this matter of any serious effect. Even as to the inequalities, that it might produce in different parts, I thought them too slight, contingent, and accidental, to be made matter of constitutional objection. I feared much more strongly the introduction of the word with which all this was to be done. That "regulate," has too often shown its wide powers of mischief, not to be dreaded by me, more than things that look far more formidable. "Regulate," can change your whole system of Government—vanquish all definition—triumph over all limitation. "Regulate" can do what it pleases.

But, while I doubted of this, and my colleague of that, members rose and said, " This question is South Carolina's. It hangs

upon *her* decision. It is *she*, who is to be satisfied. We support the Bill, only to content her. We will reject or support the Bill, only as she accepts or refuses it." We *did* accept it; and these declarations made that acceptance seem to me a victory.

Mr. M. then went on to answer some of the objections to the Bill, as to discrimination, within a narrow limit—as to the time granted for the reduction—and as to the ultimate rate of 20 per cent; which last, he said, came very near our proposal of last year.

Mr. Dallas, (a determined opponent of the Bill) attempted to induce us to oppose it, by saying that if we accepted it, we recognized the principle of protection. I thought the gentleman had enough to do, in managing his own Tariff notions, without directing my anti-Tariff ones. If there be protection, it is only in granting (as I am sure the whole South is willing to grant) to the very great capital embarked in manufactures, exemption from sudden and absolute destruction. We do not wish to refuse them all mercy.

Mr. M. went on to give a short but striking account of the coalition, on this Bill, of the administration, with the ultra Tariff party. He displayed, with much force of comparison, the unprincipled turnings and windings of Gen. Smith and Mr. Webster,—the two leaders of these parties.

He ended, by repeating, that he thought we had gained the victory; and substantially obtained our objects. As to the Force Bill, he regarded it as a mere *bravado*. He thought the Tariff men had merely aimed to pass it, as the means of appeasing these people, after what they had given up. In general, he concurred, on this whole matter, in the views expressed by the speech of the President of the Convention, and the Report before you. He doubted, however, the necessity of nullifying the Force Bill. It was a dead letter upon the Statute Book. The South, except the Union segment of your representation, is united against it. It was only necessary to protest against its principles, and declare that, whenever they be attempted to be put in force, we would resist them.

He believed that the interposition of Virginia had strongly assisted in bringing about a quiet settlement of this question. It made the North expect that she would take part with us, after the next session, and that this would lead to the total and immediate destruction of the Tariff system.

These, he said, were his own private opinions and views only.



**Speech of the Hon. Robert W. Barnwell,  
OF ST. HELENA.**

THE Hon. Robert W. Barnwell followed Senator Miller. His reasons, he said, were not precisely those of his honourable colleague, who had preceded him, although they led him to the same conclusion. He was well aware that this bill, this compromise, which they had brought home, was not received as matter of triumph; that it was received even most reluctantly. He rejoiced that it was so received. It spoke well for the spirit and sense of the State. It pleased him well that they should so receive it. Yet, that it was received as it should be, he could not for an instant doubt.

The State had arrested, in full career, the tyranny that bore her down. The right was refused and denounced. Averse to civil broil, she then pronounced that, if her constitutional effort at redress, instead of justice and reparation, was answered by military violence, she would withdraw from this league. In this she only claimed to exert the great fundamental right of this Confederacy, and of all other free States. It was denied her, with threats to overwhelm her with the entire military force of the nation. The Federal bayonets were turned upon her. Yet for what was it that she had ever made herself a member of this Government? Was it not that, under the mutual protection of a league of twenty-four States, she might find, at once, exemption from foreign injury, and domestic discord? And here this very Union was to be made the pretence for inflicting upon her these very mischiefs, with horrors made doubly frightful, by the very alliance itself. It was to avoid such civil broil, such strife with the Confederacy itself, that she had prepared to live alone. That last reluctant resource, of peace and liberty, was utterly refused her. She was told that she should be exterminated if she attempted it.

Yet did this gigantic array of tyranny quail her spirit for a single moment? Did it shake her purpose, or tame her into a coward quiet? No! fierce as was the issue thus offered her, she would have met it, rather than desert her liberty or diminish her honor.

While this was her attitude, the present compromise was presented her. Your choice was to be made between the evils of Secession and this Bill. The State had, could have, none of that mock-bravery, that mock-heroic bravery, let me call it, that could cast all prudence out of the question. She had resisted the Tariff system as tyrannical, oppressive, ruinous. This Bill is none of those. The main, substantial object of resistance is attained; the real grievance is removed. It can no longer be said, that Congress will not yield us redress. We have obtained it.

If, however, you cannot accept this compromise, the question

is yet open to the Convention. You can still choose between this Bill and Secession. Your representatives have given no pledge, that takes away your liberty of choice. Let the voice of the State be given for Secession, if it may. None can gainsay her decision. As for me I shall obey. I know too well where my great duty is to be paid, to hesitate, for a single moment, in devoting myself to the sustaining with all that I can do, the great final judgment of the State.

Act, then, fearlessly, upon your own responsibility, from which no partial acceptance of ours could have derogated. I am bound, however, to declare to you, that the question will now be of civil war, not the Tariff, nor Secession.

While, therefore, I assert, that the Bill is not the utmost that we had a right to demand, I cannot but regard it as accomplishing our great objects. It embodies the capital provision, that government shall measure its revenue by the standard of economical expenses only. This one great principle, is distinctly implied in the Bill.

So, too, of its 5th section, in which a system of *ad valorem* duties is provided for. That system takes 20 per cent, for its *maximum* rate. Can any one regard 20 per cent, as a protective rate? Look at the old duties, ranging, on the capital articles of import, from one to two hundred per cent.

It is evident that the class of manufacturers, that can live under this Bill, will be few and little formidable. It can never again give us those strong and wide combinations, which subjugated the government itself—which made themselves the Government.—Henceforth, instead of overshadowing that government, they will be reduced to receive its care, only as every other interest in the country receives it.

I do not, however, exhort the State to rely upon any acts of the general government. She has been bitterly taught to give no such reliance. It is on her alone, that I rely—on her courage, her vigilance, her prudence, her principles. I count on her Nullification; which will rally the United States, the very instant that any breach of the compromise now formed, is attempted.

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**Speech of Mr. R. Barnwell Smith,**  
**OF ST. BARTHOLOMEW'S.**

*Mr. President*—Although the Ordinance reported by the Committee, is alone strictly under consideration, I understand, that it is not inconsistent with order, in discussing the Ordinance, to advert to those reasons which have been assigned by the Committee in their Report, as justifying the course they recommend the Convention to pursue. Indeed Sir, it is obvious, that so soon as

the Ordinance is disposed of, the vote must occur upon the Report; and we shall be called upon to say, whether the reasons it contains for the course it recommends, are such as it becomes the State to assume. The Report and Ordinance are truly but one subject. The one is the result or policy, the other the assignment of the high State reasons which produce, or justify it. In considering them together, in the few observations I shall make, it appears to me, that it will not only be a personal convenience to myself, by dispensing with the necessity of again addressing the Convention, but a proper method of discussing things properly connected together.

I agree Sir, with my friend from St. Helena,\* and the honorable gentleman from Claremont,† that our Ordinance of Nullification must be raised. We must repeal it, from the necessity of our situation. We must assume a new, if not an inferior position. We differ, however, as to the manner in which this new position should be assumed. The true interests of the State, can never be incompatible with her true dignity; but the utmost caution and wisdom may be necessary to reconcile them, when the full measure of justice which she has demanded, is not conceded, and at the same time acquiescence is her determination.

Mr. President, we shall endeavour in vain, to understand the true tone and bearing the State should assume, in the present posture of her affairs, if we do not advert to her past situation. Where has she been, and what is her present position in this Confederacy? For years, by every form of remonstrance and protestation, she had endeavoured to recover back her violated rights, and to shield her citizens from unconstitutional oppression. The decline of her staple commodities, and the distresses and embarrassments it produced, brought from her Government, neither sympathy, nor relief. Whilst every other part of the Confederacy, under its partial administration, was rioting in prosperity,—the South, abounding, by the blessing of God, with all the great elements of wealth and power, was gradually sinking into hopeless imbecility, apathy, and ruin. Delay, but aggravated the evils of our situation, and strengthened the injustice of our oppressors. Words had proved in vain. A change in the Executive, had brought us no relief. The great crisis of the payment of our national debt, had brought us no relief; and as the last alternative, the State in her high capacity as a sovereign party to the constitutional compact, interposed her power, and determined to arrest the evil. When she put forth her determination, she made an exposition of her rights; and in the address to the people of the

\* Mr. Barnwell.

† Mr. Miller.

United States, she distinctly declared, that although in strict right she could claim more, yet in the spirit of concession, she would submit alone to a Tariff, "which imposed the same rate of duties upon the protected articles that shall be imposed upon the unprotected, provided, that no more revenue should be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also, that a duty substantially uniform be imposed upon all foreign imports." Here then is her ground. Right or wrong here is the ground she assumed. This is the right, the constitutional right to which her citizens are entitled, and which she was bound, as their Sovereign, to afford, at all and every hazard.

Now, Sir, let us turn to the Report which the Committee have proposed to us to adopt, as containing the reasons of the State for changing her position. We must weigh it well—we must scan it closely, for the honor and dignity of the State may rest upon its words.

In one part of this Report, we are told, "that on the whole, in whatever aspect the question is contemplated, your Committee find in the late modification of the Tariff, *cause for congratulation and triumph*," and yet, Sir, in another part of this Report, it is stated, that, "the reduction provided for by this Bill is neither in its amount, nor the time when it is to go into effect, such as the State had a right to require;" and in another part, it is further maintained, that "this system of raising revenue by duties on imports is unequal and oppressive upon the South." Now, Sir, I would be glad to know, how these propositions are to draw together. Is it cause for *congratulation and triumph*, that inequality and oppression must be our portion under any system of raising duties upon imports? or is it cause for *congratulation and triumph*, that we have not obtained, what we had a right to require, neither in the amount of the reduction, nor the time when it is to be effected? Triumph in our oppression! and greet each other with congratulations, when our rights are not obtained! Sir, let us look into this Bill, which brings out such strange propositions, and see what in reality we have gained. In the first place, the Tariff policy continues, under very gradual reductions, for ten years to come, to the year 1842. This is clear. It is fastened on one generation at least. After the year 1842, the Tariff policy is, not abolished—no,—but Congress is limited to laying duties upon the protected articles, to 20 per cent, whilst the home valuation and the payment of duties in cash, are equal to ten per cent more, making an aggregate of thirty per cent. To this amount, then, independent of the costs of importation, may manufactures be encouraged by the Government. It is true, I hear it affirmed,

that after this time, we shall have obtained a majority in the Government, and will then be enabled to adjust the duties as we please. Sir, this is all conjecture. One thing is certain, that we are now in a very small minority, and that if our opponents are wise men, they will probably keep us there. Be this however as it may, the Tariff policy is not relinquished. Our right, our constitutional right to an equal ad valorem duty upon all articles of importation, as laid down in our Address to the People of the United States, is not conceded. On the contrary, there is nothing in the Bill to restrain Congress from raising the whole revenue of the Government, from the protected articles, to the extent of thirty per cent; and many of these articles, are such as are necessary to the poorer classes of the people; whilst the unprotected articles, may be free or nearly free of all taxation. The protective policy not abandoned, and the great principles of free trade not affirmed,—and this is the modification of the Tariff which “affords cause for congratulation and triumph!” Mr. President, we may sing peans of triumph if we will, and greet each other with congratulations, but I tell you, Sir, the People of this State would rather have taken the Coercion Bill with the battle-field, than accept of this modification. The Convention, in last November, had declared their rights; and our People had made up their minds, to obtain them, or to perish in the effort. Our party up to the last fall elections polled but 25,000 votes; and, I am informed, there now stands upon the Muster Roll of the Volunteers 27,000 men. They had made their little arrangements to meet the crisis. They had called in their small debts; some had sent their children away to the old people for protection and care. Some disposed of stock, or fattened their horses, and all prepared their arms for the contest. And now comes the compromise. They ask you, if the protective policy is abandoned? You answer No! Are the principles of free trade and equal rights established? No! Is the Constitution restored to its integrity and our liberties protected? No! for here is the Bill of Blood, by which what little of the Constitution that was left, is scattered to the winds, and the sword and the purse of the Confederacy are placed in the hands of an insolent and brutal Dictator. Mr. President, dare we then hand them this Report, and tell them to triumph and rejoice? Let us beware how we outrage the feelings of freemen. Add not mockery to mortification. If we must descend “from our high estate”—if we must take less than our rights, and leave our pledge unredeemed before the world, let us act as the situation requires. Without apology—without professions—firmly but reluctantly, let us bend to the necessity, which circumstances have imposed upon us.

I know, Sir, it may be said, that I do not correctly state the matter; for in the Report it is alleged, that "the Bill recognises the principles, that the duties shall eventually be brought down to the Revenue standard even if it should be found necessary to reduce the duties on the protected articles below 20 per cent, and that no more money shall be raised than shall be necessary to an economical administration of the Government" and that "these provisions embody the great principles in reference to the subject, for which South Carolina has so long and earnestly contended." Mr. President, I am willing to concede that the Bill contains these two propositions, although they may mean one thing to our apprehensions, and another in the minds of those who have the power by which they must be carried into effect. Can any one believe, however, that the duties on protected articles will ever be less than the full amount allowed by the Bill? And what constitutes an economical administration of the Government? High compensation is often defended, as true economy, because it obtains better services; and the whole scheme of internal improvement, might be supported on the same ground, because it saves expenditure amongst the people. But let these pass—Suppose the Bill to contain these provisions in their most advantageous signification, yet Sir, I boldly deny that they "embody the great principles in reference to the subject for which South Carolina has so long and earnestly contended."

Sir, what was our complaint? It was this. That we were taxed unequally, and were taxed for the purpose of promoting the interests of others. True it was, that in carrying out this unjust and unconstitutional taxation, money profligately raised, was profligately expended by the Government; but this was an effect of the abuse of the taxing power, not the abuse itself. True it was, that more money was raised than was necessary for the demands upon the Treasury; but this also, was but an effect of the partial operation of the Government in its taxation. The Government might raise no more money than was necessary for an economical administration, and might expend no more than such an administration may require, and yet, with these limitations strictly enforced, might practice the grossest injustice and tyranny. Might it not stop all importation upon certain articles, and consequently all revenue from them, by making the duties prohibitory, and then raise whatever money was needed for revenue, from the unprotected articles? And even here, under this very Bill, will not many articles be entirely prohibited by a duty of 30 per cent, with the costs of importation? On all the protected articles, may not the duty be kept up to this amount, and the whole revenue be thus raised from them; whilst the whole Government, might keep itself

strictly to the revenue standard, that is, raise no more money than is wanted for revenue, and support an administration, as economical as we could desire? Sir, this Report does not truly state "the great principles for which we have so long and earnestly contended." In the effort to recommend the Bill of Compromise to our favour, the Committee have forgotten or laid aside, those high grounds of contention with our Government, which can never be abandoned but with our liberties.

Mr. President, I have one more objection to urge against this Report. It is not an objection to an error in principle, but in profession. In the first column, I find the following words—"Ardently attached to the Union of these States, the people of South Carolina, were still more devoted to the rights of the States."—Sir, is this profession plainly and simply true? If it is, let it stand. Since your attachment might be suspected, accumulate epithets to your professions.—I ask the gentlemen upon this floor, whether they can lay their hands upon their hearts, and say, that they are "ardently attached to the Union of these States."—Why, have we not for the last seven years, been declaiming against this Union, as inflicting upon us oppression, and poverty, and desolation? And have we not proved it, triumphantly proved it, and throughout the wide South, made common the high complaint, that these States of this Confederacy, by a policy as destructive as it was unprincipled, were practically colonized to the other sections of the Union. "Ardently attached to the Union of these States!" Where then is your talk about your Constitution and the rights it guarantees? You have more than once declared that the Constitution was annihilated, and annihilated under the Union of these States. Is it now nothing—and the Union every thing without it? A consolidated despotism, by virtue of this Union, is erected upon the ruins of the Constitution over Carolina, yet, we are "ardently attached to the Union of these States!" Sir, let others think as they may, and act as they may, I pretend not to judge of their feelings or opinions, but I cannot palter with conscience or play the hypocrite. Nor can Carolina, consistently with her honour or her truth, dissemble as to her true situation. I boldly declare it, (and I believe that I express the feelings of the freemen I represent,) under the "Government as administered, I have no ardent attachment to the Union of these States." Once, indeed, my pulse beat high for this Union. But the days of my boyhood have passed away, and the bitterest fruit which the experience of manhood has brought me, has been the knowledge of my true situation, as a citizen of this Confederacy. What has this Union left to us? It has usurped the rights, and trampled on the independence of our native country. It has abolished the

beautiful system of liberty and justice, bequeathed to us by our fathers, in our Constitution, and has built up an armed despotism in its stead. The star-spangled banner no longer waves in triumph and glory for me. I have seen it floating over the armed instruments of a tyrant, prepared "to legalize robbery by massacre." I have heard the cannon firing from beneath it, by an empty demonstration of power, to insult and degrade this untamed and yet free State; and that beautiful bay, from whose waters a British Admiral was once driven in defeat and dismay by a feeble band of Carolinians, now stands beleaguered beneath the folds of this dishonoured flag. "Ardently attached to the Union of these States!" Sir, if a Confederacy of the Southern States could now be obtained, should we not deem it a happy termination—happy beyond expectation, of our long struggle for our rights against oppression? I fear that there is no longer hope or liberty for the South, under a Union, by which all self-government is taken away. A people, owning slaves, are mad, or worse than mad, who do not hold their destinies in their own hands. Do we not bear the insolent assumption by our rulers, that slave labour shall not come into competition with free? Nor is it our northern brethren alone—the whole world are in arms against your institutions. Every stride of this Government, over your rights, brings it nearer and nearer to your peculiar policy; and even now, it stands, with the Bill of Blood in one hand, and the Sword in the other, and Carolina must bow her dishonoured head, and breathe forth the slavish or hypocritical profession of "ardently attached to the Union of these States." Sir, let slaves adore and love a despotism—it is the part of freemen to detest and to resist it.

[But, Mr. President, let me not be misunderstood.\* When I speak of the Union I speak of it as it now is—not as it once was. I speak of the Union with its abuses—not as it ought to be without them. I speak of the Union without the Constitution—destroying the Constitution, and the great principles of liberty it was intended by our Fathers to perpetuate and secure. For the Constitution of the United States, and the Union it was intended to create, I will yield to no one in my devotion and attachment. It has been for such a Union that we have struggled for years; and the hope of reforming it, from what it is, alone has rendered our situation tolerable under its oppressions.] Some indeed appear to think, that this reform is already accomplished, and that all our difficulties are over with the Government of this Confederacy. This, Sir, is an error—a fatal error, if it forms the basis of our ac-

\* This explanation was not in the body of the Speech, but was spoken afterwards, to correct misapprehensions as to the previous part.



quiescence. The true nature of the Government under which we live, has been, in truth, but just disclosed by the extraordinary test which the action of this State has applied to our institutions. We all indeed knew, that we were oppressed—unconstitutionally oppressed, by our Government; but we did not know, that oppression was the legitimate result of its operations. We only feared, that it would degenerate into a consolidated despotism—we did not know, that this, in reality, was its nature. If Nullification has done no other good, it has at least disclosed to us a true knowledge of our situation. Let gentlemen not be deceived. It is not the Tariff—not Internal Improvement—nor yet the Force Bill, which constitutes the great evil against which we are contending. These are but the symptoms of the disease—but not the disease itself. These are but the forms in which the despotic nature of the Government is evinced,—but it is the despotism which constitutes the evil: and until this Government is made a limited Government, and is confined to those interests which are common to the whole Confederacy, there is no liberty—no security for the South.

Mr. President, under whatever aspect we may behold our situation—turn as we may, there are evils around us. The consequences of this Bill of Compromise do not terminate with the terms of the Bill. The effect of this adjustment, wise or impolitic, will carry its influence upon the moral courage and confidence of the people. Sir, you had marked out the ground for the people of this State, and they had boldly marched up and pitched their tents upon it. You told them what were their rights under the Constitution; and they had calmly and firmly made up their minds, not to take less. They were threatened by the Executive of the Union—they disregarded, or defied his threats. The whole South, recreant alike to honour and to interest, abjured their doctrines and denied their rights. Their energy and courage only rose with their isolation. The whole Union, at one time, seemed to be mustering together, in one mighty rush, to lay their country in ruin and desolation. Faithful to you and to themselves, this noble people, with a simplicity and firmness never surpassed, brought their all for immolation, upon those proud altars of liberty, which their gallant fathers had erected. Suddenly a compromise is effected. Sir, when tyranny is again to be resisted, and the Slogan is again heard upon the wind, another compromise may be expected. Artifices may not be wanting to create and keep in activity the delusion. The Missouri question, and the compromise of '33, will give grounds for hope and indolence. Professions and promises can be made, until tyranny has prepared its blow; and then it is struck, and all is lost.

Mr. President, one of two courses, it appears to me, ought to be pursued by the State, in the situation in which she is placed. If my counsel were pursued, I would advise, simply a repeal of the Ordinance, without assigning any reasons, and without pledging ourselves to any compromise. The State would then be at liberty, to avail herself of circumstances, and to move when an opportunity affords, for the recovery of her rights. But if we must assign reasons for our course, let us endeavour to include those which really actuate this assembly. Some will vote for the repeal of the Ordinance, solely because they will not shoot down their own out-posts, and turn upon our Members of Congress. Some are influenced exclusively by the Virginia Mission. But whatever is said, should not be said in the tone of your Report. We are not yet vanquished and fallen. Why should we then assume the weak note of palliation and apology for our course? Let us, Sir, present a fair view of this Bill. Let its advantages and disadvantages, be honestly and fairly stated to the People, and the World. Let our motives be candidly avowed—our change of position acknowledged, and by a firm and dignified assertion of our rights, shew that we have not abandoned them; whilst the People should be taught, from our tone and declarations, that the battle was yet to be fought and won, and that preparation—armed preparation,—energy unremitted—and vigilance, sleepless and untiring, were absolutely necessary to maintain their liberties. South Carolina must be an armed camp. She has no rights under this Government, but what she is prepared to assert in the tented field. And if driven to the last alternative of the sword, by which alone all the liberty which man has ever enjoyed, has been acquired, or maintained,—let her conquer fairly, or fall nobly, with her brow unsullied with the damp of timidity, and her free arm, striking home to the last, for her usurped and trampled rights.

I shall move, Sir, to lay the Report upon the table.

### Speech of Mr. Phillips, OF ALL-SAINTS.

The opposition to the Preamble (said Mr. Phillips) arises from no wish directly or indirectly to censure our Delegation, who have so manfully and ably fought our battles at Washington. But although under the circumstances, and with the view which their situation gave them of the expediencies of the case, they may have acted in the best possible manner—have done nothing that they were not in some sort compelled to do, there is certainly a great difference between their situation and ours, especially in the eyes of those who believe the law, as it now stands, to be unconstitutional.

Sir, are or are not the acts of this Body of a very different character from any thing that could be done by our Delegation in Congress? Are they not equivalent in force and effect to the Constitution of South Carolina itself? If in any manner this Convention recognizes Clay's Bill, do we not put ourselves in a worse situation than before the contest began? Do we not by *thus* allowing the protective system to be executed in South Carolina, make it a part of the Constitution of the State? If so, do we not separate ourselves from the other States who have joined us in opposing it? How can we ever again lift up our voices against it? Shall we not be estopped by our own sovereign act?

I am prepared to vote for the Ordinance for reasons satisfactory to myself, although they might not be so to another. This, however, is mere matter of opinion—not of principle—and must vary with different men. As far as expediency goes, or a preference of motive is concerned, I am ready—I feel it my duty—to yield my own views for the sake of unanimity. I should wish to make the ground-work of our repeal the mission of Virginia. I think it is due to her. When that great State first acted, I thought her course inconsistent and trifling—utterly beneath her dignity and the weight of the occasion. But I have since found sufficient cause to change my mind. I now look upon it in a very different light, and believe it was of great importance as to the final issue of the contest.

But I am willing to lay aside this ground of action, although believing it to be in every point of view the proper one to be taken,—and only ask that the reasons of others, in which I cannot by any possibility concur—as with me they involve principle—shall not be forced upon me, or rather that I shall not be driven to the necessity of voting against a *measure* which has my decided approbation.

I cannot perceive the necessity or advantage of noticing Clay's Bill in any manner. *Cui bono?* to what good end—for what *valuable* purpose shall we thus commit ourselves? Why shall we thus rebuke our former proceedings on this floor?

I cannot, for the life of me, look on this bill as any other than a bill of protection. When I first read it, as it was brought forward in the Senate, I considered it to be such. The debates there, the newspaper comments, conversation, what I have heard here, in and out of the House, certainly have not altered my opinion. It is clearly and heavily such for 9 or 10 years. Well, compare its operation at the end of that time with the principles of your report and addresses of last November. You then claimed *Free Trade*. You claimed that there should be no discriminating

duties : that an equal *ad valorem* impost should be laid on *all* articles. You then also asserted that 12 1-2 per cent was abundantly sufficient for the wants of the Government.

Are any reasons offered why we should recede from these declarations ? Should we in any way sanction Trade not free, and duties far above what is necessary ? Is not 20 per cent duty, as a general rule, 30 per cent by the time the consumer pays it, and does it not act to that extent in *protection* ? Have any new lights been received on the subject ?

On the home valuation, as some whose opinion ought to have weight, considered it of little moment, I shall not insist. You must however add to the otherwise extravagant rate—one far exceeding the legitimate purpose of revenue—the effect of the cash duties. This is completely and undividedly *protection*. *It puts not a cent in the Treasury, but enhances the price to the consumer.*

Now leaving out the discrimination, who can doubt that this measure is one of protection in practice, if not in principle. “Reduction to the wants of the government” may mean any thing you please. When to this you add that articles to the amount of several millions are admitted duty free—that these articles are the non-protected, it appears to me impossible to hesitate as to the true nature of the Bill.

He moved to strike out the Preamble to the Ordinance.

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### Speech of Mr. J. L. Wilson, OF CHARLESTON.

Mr. Wilson said he was opposed to striking out the preamble—it stated the grounds upon which the Ordinance rescinding the Ordinance of Nullification was based. The only enquiry necessary was, whether *these grounds* were truly set forth—and upon this point he challenged contradiction. It is true that some gentlemen wished the mediation of Virginia to be recited in the preamble, as a cause for rescinding the Ordinance ; but for one he was prepared to say, *that mediation* never could have induced him to rescind the Ordinance of Nullification. He might have consented to its suspension, but to its repeal, no ! never.

He observed, that he could not agree to the positions taken by those that preceded him in debate—Gentlemen were for rescinding the Ordinance of Nullification, at the very moment they were denouncing the provisions of Mr. Clay’s bill. If he could agree with them as to the character and bearing of that bill, he would be opposed not only to the preamble but to the Report and Ordi-

nance. But he considered Mr. Clay's bill not only a victory, but a most glorious and decided victory. It was the triumph of principle over New-England avarice—the plunderer had been driven from his prey.

He asked, if the abolition of the *minimum* and specific duties was not in itself a most decided victory? But when it is taken into consideration that an *ad valorem* duty not to exceed twenty *per cent*, is to be the highest impost to be levied after the year '42, have we not abundant cause for congratulation? When you, Mr. President, at the passage of the Tariff of '32, asked as a boon for the South, that no specific duty should exceed 100 per cent, you were promptly refused even that favor. At an early period of our wrongs, we would have gladly accepted a tariff of 25 per cent. and been content. But the circumstances under which the bill passed, Mr. Wilson observed, not only made it a triumph, but a glorious triumph! Let us advert to the state of our once happy and flourishing country, mark its rapid and early decadence, view our position in the Confederacy at the passage of the law in question, and then we will be better able to judge of its importance to us. It has been stated by some who have looked into the subject, that as a nation, the labor of South Carolina was more productive than that of any other nation in the world. Whether this be true or not, one thing is certain, the people of South Carolina were at one time enjoying all the blessings that wealth and prosperity could command. Our fields were clothed with abundance—our cities were flourishing—our commerce was active—and mechanic labor was richly compensated. What is our present situation? Our fields are deserted, and the labor that tilled them, has fled to Alabama, Louisiana and elsewhere! Our cities are falling into ruins—our commerce gone—and our mechanics without employment. We have been in the habit, he said, of placing every thing to the account of the accursed tariff, and whilst he admitted that much was fairly attributable to that fruitful source of injury, yet much more might be safely put down to the account of the continued withdrawal from the State of the capital accumulated by mercantile operations, to foreign countries. One thing was certain, that at the passage of the Ordinance of Nullification, we had reached to such a point of wretchedness, that life had no enjoyment for us, and we were willing to hazard the little of fortune that was left, for the rights of which we had been deprived.

Now, Mr. President, he said, look to the situation of the Confederacy at the same time, and trace its course to the passage of Mr. Clay's bill. The Northern, Middle, and Western States were

flourishing and happy. A President, whose choicest aliment is human blood, had just been elected, with great unanimity, for four years from the fourth of this month. He had issued a proclamation, in which he said he would put down our devoted State with the bayonet. This proclamation was responded to with shoutings and hosannas, from one extreme of the United States to the other, Our people were divided, and many were volunteering their services to the tyrant. The nation was out of debt. The Bill of Blood was passing triumphantly through the forms of legislation ; a Bill which put the purse and the sword of the nation in the hands of a despot. Nay, Sir, the Bill had passed.—Under this state of things, your Representatives in Congress, as became them, defied the majority, bearded the President, and told them that no more tribute should be paid in South Carolina.—What was the conduct of the State at home ? Her loyal citizens rallied around the Palmetto Banner, and pledged themselves to bear it in triumph, or die in the effort. They were not dismayed—they quailed not, they shrunk not from the position they had taken. When the authors of the Tariff of '32, found that that iniquitous act could be enforced only with the bayonet, when they ascertained we were not to be driven from our purpose, when they learned with what contempt we treated the Proclamation of their Military Chieftain, they then gave us a Tariff more favourable than we had asked and sued for, for the last ten years. And is this no victory ? It is, Sir, a glorious victory ! He said, he thought the Report of the Committee ought to have assumed higher ground than it did. He would have called it a decided victory. We might without vain-boasting or bravado, have congratulated each other upon the achievement. Unaided and alone we gained all we asked.

The gentleman from All.Saints will not vote for the Preamble and Ordinance, because there is to be a discrimination under Mr. Clay's bill. Yes, Sir, there are many articles that are to be admitted free of duty, which will materially benefit the South. The demand for our staples will be increased by it. Such a discrimination is therefore wise. But he says all articles should pay the same *ad valorem* duty. If, Mr. Wilson said, he had the power of making a Tariff, he certainly would discriminate. Not to the extent of protection, for that is unauthorized by the Federal Constitution. It was the course of all governments, in all ages, thus to discriminate. Would it be wise, he asked, to put the same *ad valorem* duty upon a pound of Peruvian bark, and a gallon of West-India rum ? He thought not. In the Bill imposing duties on imports, passed in 1789, by the framers of the Constitution, some

luxuries paid a duty of 12 1-2 *per cent.*, whilst necessities only paid 2 *per cent.*

Mr. Wilson concluded by observing, that the bill of Mr. Clay was a triumph, and what made it more acceptable to him, it was a triumph of principle over avarice and extortion.

### **Gen. Hamilton's Speech.**

Mr. WILSON was succeeded by Gen. Hamilton, who said that if he could believe that the Preamble recited any facts not strictly true, he would certainly not only concur with the gentleman from All-Saints, (Mr. Phillips,) in his motion to strike out, but go further, and vote against the whole Ordinance of Repeal.

What were the affirmations in the Preamble? Why, "that the Congress of the United States have made such a reduction and modification of the duties, as amount substantially to a reduction of the imposts to the revenue standard, and that no higher duties shall be laid than may be necessary to defray the economical expenditures of the Government." Are not these postulates true? Let any man examine the Compromise Bill, and he would find that the recitals in the Preamble were in fact almost in *totidem verbis* quotations from the act itself.

Through a series of nine years, (too long he readily admitted,) the law provides for a gradual fall of the duties to the revenue standard, accompanied by a stipulation, that they should, at the expiration of that period, be arranged on the basis of an economical administration of the expenditures of the Government. When the duties shall have reached this level, they may descend lower than 20 per cent, but cannot exceed it.—And the scale by which they are thus to be finally graduated, is to be furnished by the wants of the Government, and these wants are to be estimated by a regard to its economical expenditures.

Gen. Hamilton said, he could add nothing to the very able and satisfactory view taken of this subject by the gentleman from St. Phillip's and St. Michael's, (Mr. Wilson,) who had just addressed the Convention. He had given a just analysis of the financial features of the act, and left him but no more than to unite with him in the sentiment that if its provisions were not in all respects satisfactory, it furnished a just occasion for congratulation to that party in South Carolina, who, against fearful odds, had been able to accomplish even so much, for the industry and public liberty of the country.

So far from cavilling at our Delegation for voting for the Bill, he recognized the strong moral and political necessity of their acquiescence in the adjustment. It was substantially what South

Carolina, for ten years, had affirmed as the basis of an accommodation to which she was willing to assent. You, Sir, (addressing Gov. Hayne,) recollect both in 1824 and 1828, when we breast-ed the storm side by side, in the great conflicts that took place at those ill-starred cycles of legislative profligacy and abandonment, that we then as humble suppliants for justice, would have closed with Mr. Cambreling's proposition, after providing for a list of free articles, that the revenue should settle down on an ad valorem basis of 25 per cent. May we not now, when no longer suppliants, but with arms in our hands, not begging justice, but demanding it, accept a far more favorable adjustment. An adjustment that looks to an ulterior recognition of the great principles for which we have been contending! I have said in the acceptance of the compromise our delegation acted on an irresistible political and moral necessity—I say this emphatically, for if they had declined the compromise in the face of the united and earnest solicitation of the whole of our friends in Congress from the other Southern States, we should have cut ourselves off even from the sympathy of these States, and have been left to have prosecuted a struggle thus hopeless, with the whole force of the embodied public opinion of the South against us.

It is true that nine years are too long, and twenty per cent too much. But in these particulars we have made concession to the interests of the manufacturers which cannot fail now the ultimate principle is both recognized and secured to redound to our honour, showing unequivocally that we do not desire a prostration of the prosperity even of those who have been our worst enemies. In these concessions we have probably surrendered five per cent, and in time about two years, considerations that are utterly valueless in comparison with the pacification of this deeply vexatious and agitating question. As an offset even to these objections, we must take into account the salutary compensation which we derived from the ultimate abandonment of the specific duties and minimums, under the frauds of which whilst we have nominally paid a duty of 37 or 40 per cent, we in fact have submitted to an impost of 150 or 60 per centum.

The solemn stipulation too that the ulterior rate of duty is to be graduated by an economical administration of the expenditures of the Government, will cut off that monstrous fungus of the American System, which has been sapping the vigor of the South—Internal Improvements; and “abolish quite” that still more monstrous financial anomaly of our paternal administration, a surplus revenue, which means a robbery perpetrated on Peter to pay Paul.



Nor ought we to be insensible to the invigoration which the commerce of the South must receive, not alone whilst the duties are passing through the series of their fall to their ultimate declension (to avoid this very surplus) but from the large and valuable list which are added to the free articles, which in the exchanges of the country are engaged almost exclusively in the purchase of the staples of the South. Articles, the value of which cannot be much short of fifteen or twenty millions.

It is quite true we have not obtained all that we asked, or rather as much as we desired. It will not do for men in the practical concerns of life, to go entirely for abstractions, or to push our own ends to that extreme verge by which all that harmony and accommodation which are inbred and form the very essence of social compromise in this world, are set at nought, or put down as of trivial moment.

Amidst stupendous difficulties we have triumphed. If we had been united at home—if the South had been true to herself, our victory would have been overwhelming and complete. The battle for Free Trade and State Rights we should never have had to fight again. As it is, after gaining ground and an advantageous truce, the contest may, by the want of good faith on the part of our opponents, have to be renewed, but if it is renewed, our moral as well as physical strength will be vastly augmented. Long before that period arrives, the base and servile spell of idolatry to the present Executive, will have been broken, and even a contemporary age will have recorded the sentence which is destined to rest on his escutcheon. The great agricultural States of the South-west must be in alliance with us on the great principles of Free Trade, and the South will present an unbroken front rising with fresh and Antean vigor from the violated faith of the compact, on the part of our adversaries.

Sir, there is neither dishonour nor inconsistency in our acceptance of this compromise. It commits us no further than the good faith of our opponents may extend. It leaves us free to determine what rate of duty, even under twenty per cent, shall at the expiration of nine years, be equal to the just wants of the government. In the mean time, it gives us peace and harmony. The boon has been won by our sturdy resistance, and now at this very instant South Carolina accepts it, not as a suppliant on a bended knee, but with her lance couched, and not a feather quivering in her plume.

**Remarks of Mr. Turnbull,  
OF CHARLESTON.**

After Gen. HAMILTON had spoken, the question was postponed to the next day. When it was again taken up, on the 15th, Mr. TURNBULL addressed the Convention in a short speech, and urged, with his accustomed power of argument, the various reasons that concurred to press the acceptance of this bill of compromise. —He ended with the following expressions: "Will gentlemen," he said, "still cry out that little had been done, in the face of all this? Is it little to have tamed the pride of this arrogant Federal Government? Is it little to have stopped the headlong profligacy, that was hurrying your institutions into the gulph of despotism? Is it little to have put a bit in the teeth of the Tariff-mongers? Is it little to have foiled the barbarian fury of General Jackson? For this little State to have achieved all this, was surely prodigious. *With but our one-gun-battery of Nullification, we have driven the enemy from his moorings, compelled him to slip his cable, and put to sea.*"

**Remarks of Mr. Philips,  
OF ALL-SAINTS.**

Mr. PHILIPS said, "That the discussion respecting the propriety of suspending the action of the State, was a very unexpected one to him, and certainly had nothing to do with the question he had raised, which was, whether in rescinding the Ordinance, they would sanction Clay's Bill, and force those who could not do *that* to vote against the measure altogether. It was an attempt to conciliate, or perhaps a petition to be allowed to do what the petitioners thought to be their duty.

Some of those present wish to vote for the rescinding of the Ordinance, but they are by no means willing to have reasons, and those reasons in their belief worse than inexpedient, put into their mouths.

It has been asked, rather tauntingly, what objection gentlemen could have to the preamble? The very simple one, that they think it wrong and mischievous. If chains are to be henceforth worn, they think there is no necessity to rattle them.

He said he had made no attempt to attack the views or feelings of any one: an appeal had been made, it was hoped, without any thing savoring of arrogance or pretension, for the boon of being allowed to act according to what appeared to him to be right.—He felt how insignificant a matter his vote, or his opinions, might be on the present occasion, and he felt it painfully when he found the enforcement of reasons which he considered of vital impor-

tance to eventual success, had fallen into hands so unpractised as his own. In addition to this, the motion was opposed by talents for which he had the highest respect, rendered efficient by practice and experience. Yet whatever may be the superiority of abilities enlisted against it, the question is one in which authority can be of no avail. Were the Archangel Michael on the floor, I could not lay principle at his feet. I should feel and recollect that even an Archangel was liable to error, and had fallen, and at any rate, if I am wrong, I am wrong with this body last November.

Here Mr. P. read some passages from the proceedings of the last session of the Convention, and went into a consideration of his views as formerly expressed.

He said that the "amelioration" of the Tariff was no part of the question before the House, nor any dollar and cent view of the case whatever. This sort of argument, by the bye, was what we had all along been blaming in our opponents, and whether good or bad, was now nothing to the purpose. The question is, will you *sanction* a bill for protection? He would assert, without fear of contradiction from any man, understanding the subject, that it was such.

What is incidental protection? Certainly not that afforded by discriminating duties, which is protection in its most positive shape. It is that indirect advantage derived from equal ad valorem duties on *all* articles, raising to that extent the price of the foreign productions.

He did not deny—he never had denied—the advantages of the bill. They had been obvious to him from the first. One, however, which had been much relied on, is in the very face of the doctrines we profess. He alluded to the free entry of silks and linens. For this, however, we pay very sufficiently in more than one other way.

It is used as an argument on this motion also, that Nullification is triumphant. Well, be it so, he had never denied that. He believed without the Ordinance we are now about to rescind, Clay's bill never would have passed—but what is that to the question? In the very moment of success, are we to turn round and sanction the very doctrines over which we have triumphed?

He would trouble the Convention with but one further remark. He would refer it to the experience whichever man present had gained for himself, and to the information he had acquired from history, whether the moment of real or fancied triumph is not the most dangerous period in the life of the individual, or the history of a nation. Firmly believing this himself, he could not but call on the Convention to beware!

### Speech of Judge Richardson.

Mr. Phillips was followed by Judge Richardson, who set out, by saying, that he approved so entirely the enacting clause of the Ordinance, that he might even have united his objections to the preamble, if that question had not been set on foot by others.

He regretted that the Convention could not content itself with the act, about which all seemed to agree; that it should have been thought necessary to join, to that act, *reasons*, upon which we were certain to differ.

If preambles were to be employed, they should, at least, perform the proper business of a preamble. They should strongly and succinctly set forth the great motives to the Legislative act: and, above all things, they should always found themselves, as strictly as possible, upon perfectly correct facts. They should recite nothing that is not perfectly just.

Yet your preamble contains, among the chief facts that it alleges, two, that are palpably incorrect.

Its first statement is this—"that Congress has made such a reduction and modification of the duties upon foreign imports," as brings them down to a revenue standard.

I ask, Gentlemen, is this so? Are the duties reduced, already, to a revenue standard? I believe, if the act is consulted, it will be found, that *no reduction happens till the 30th of December next*; that it is, even then, but a very partial reduction: that, upon one important article of Southern consumption—low priced Plains—the duties have been raised 45 per cent; in short, that this entire "reduction and modification" is future, and cannot, therefore, be spoken of, in the terms that you employ.

The 2nd statement, in the preamble, seems to me little better founded. It is that the duties are, by the act, "*brought down to a revenue standard.*"

In this declaration, I cannot, after the most careful and dispassionate investigation, that it was possible for me to give, by any means concur. If I in any sort understand the true merits of this compromise, they fall short of what the preamble attributes to them. I cannot, with the utmost effort of my vision, perceive that this modification reaches a revenue point. I grant that it is a step towards it; the second great step. For the reduction of last year was another, and the first,

I am far from believing that even your ultimate rate of 20 per cent, (which you are only to reach in 1842) will then be low enough. I am willing, however, to accede to your present steps, because the late act has really done much. I regard it as the *inception* of the overthrow of the American system. It is proof of

that change, on which I had always relied—the change of public opinion. This is its true effect—no more.

### Mr. McDuffie's Reply.

Mr. McDuffie said, that it had not been his intention to speak upon this question. The remarks of the gentleman from Spartanburg compelled him to take the floor.

That gentleman objects to the preamble, as asserting "*that a reduction had been made.*" If the gentleman had been good enough to read that to which he objected, he would have seen that it asserts no such thing.

The words run thus, "Whereas, the Congress of the United States, by an act recently passed, has made such a reduction and modification of the duties upon foreign imports, as amounts, substantially, to an *ultimate* reduction of the duties to a revenue standard."

But, were it even as the gentleman supposed, what would be the common understanding of the words?—Would any man apprehend them, as conveying what was not true? I heard that very gentleman, last summer, speak in the very same form of the act of 1832, which had certainly not then gone into force. He then said "that act had reduced the duties to the extent of between six and twelve millions."

His first objection, therefore, becomes a mere verbal criticism—a technical quibble.

As to his second, let us see if the act *does* provide for an ultimate reduction of the duties to a revenue standard.

That principle is distinctly laid down in the Bill; and it is joined to the further declaration, that no more revenue shall be raised than is necessary to defray the economical expenses of the Government. These, with a system of *ad valorem* duties, and a class of free articles, make the general principles of the Bill.

Among the articles made free, in December next, are the very important ones of linens, silks, and worsted goods: classes of commodities exceedingly important to us; and which will give us, beyond all question, exchanges for our particular productions, amounting to at least 15 millions of dollars *per annum*. Linens, most especially, are strictly an article of Southern trade; and all these would be paid for, by our productions only.

If this reduction do not go into immediate effect, is it not as speedy as any of which the gentleman can shew me an example. Was an instant reduction ever seen? Was such a thing ever claimed? Could it be made, without ruin to the commercial interest.

If the gentleman will examine, I assure him that he will find

the reduction, on the protected articles only, which is to happen in December next, between 3 and 5 millions; besides 10 per cent, general, on the receipt of duties of all such unprotected articles, as pay more than 20 per cent.

Surely, then, all these advantages made the Bill not entirely unfit to be compared with that of 1832, which this gentleman and his friends magnified, "as the best of all possible bills"—as a bill that it was a species of impiety, not to fall down and worship.

What is our present position, as to this question, compared to our former one? Four years since, what said your popular President?—the man who, from the boundless ascendancy of popular favor, wields the whole force of your democracy? He said that a system, for the purposes of protection alone, would never, in this country, be abandoned—"that this was neither to be expected, nor desired."

What said he, once again? "That no arrangement of the duties could ever be expected to take place, which would not always leave a large surplus revenue in the treasury."

I ask the gentleman, where is now the man who would dare say this? There is not such an one in Congress. Even Mr. Webster, the boldest champion of the system, now shrinks from such an avowal, and cowering before the strength of our principles, admits that only such revenue may be raised, as the economical administration of the Government requires.

How would he have been regarded, four years ago, who set up even a claim to this principle? Sir, he would have been treated as a mere madman—a political Quixotte.

But "this," it seems, "is but the second step." So says the honorable member, whose opinion I can little expect to shake.—My own, however, made up on a close view of all the facts, is utterly opposite: and I here solemnly declare, in the presence of God, that the act of 1832 would never have been touched, except for the acts of this State. Sir, the fact was avowed to me, by an Union member of this State—one of the most distinguished of his party, and high in the confidence of the President.

But the gentleman refers all reduction to the agency of the Executive. Has he forgotten when, only last summer, we were told, with the utmost pomp of statements almost under the great seal, "That the Tariff was completely brought down to the wants of the Government?" Can he not remember how these were heralded to us here, for purposes that I need not now mention? Why, Sir, all the world knows, that this Tariff of 1832 was a Jackson Tariff. Upon that Tariff was he voted for—upon that

Tariff elected. Think you, Sir, that his last message would have been sent, if his election had been then depending? Never! No, Sir. That Tariff, not yet put in execution, was his; and, as such, openly avowed, as the final settlement of the question. Every man, who refused to accept, was denounced. It was the test, the very bond of Jacksonism; held up as such, to the whole host of the timid or the corrupt; and reverently kissed, as the new covenant of faith, by all who aspired to be the friends of the President.

Within a little three months, lo! he comes to us, with a message to recommend a reduction of the duties!—of duties not yet gone into effect—of duties, just now clamorously proclaimed to have been reduced to their lowest possible rate—of duties, to be content with which had just now been the very test of Jacksonism!

And what was the high motive that urged him to this? I speak it with regret, for the President, and with shame, for the country; but I only speak what I know, when I say that he did it, to crush the party that he hates, in this State. He did it, that he might be able to hold up these declarations to them and say, “Audacious Rebels! look what Andrew Jackson has said! Traitors that you are! why did you not wait?”

To this, it was impossible for us to reply, unless humbly, in such a sort as this. “How, may it please your Majesty, was it possible for us to guess this? Was it easy to divine that you,—the Ajax of the Tariff just adopted, were, in the next moment to turn its destroyer? What, but the spirit of prophecy, or of omniscience, could have foreseen a course so devious?”

As for Clay’s Bill, I voted for it, with strong reluctance. I did not regard it as doing enough. On this question, my peculiar views are well known to be different from those of the chief part of the Southern country. Had I consulted them alone, I should have said “accept only of uniform *ad valorem* duties.” I did not, however, think that my particular personal opinions should be forced upon the South; and I acquiesced in the undivided wishes of our friends.

It is true that what has been obtained must be regarded as, in some sense, an achievement. It is, for the moment, a victory. But it is only such, if the people, now awakened refuse to let it lull them even into an instant’s security. There is, in this general government, a proclivity to consolidation, that nothing except the most resolute watchfulness can stay. The Southern States are made, by their peculiar position and institutions, the centinels of the liberties of this confederacy. Were I to die this night, my last

words should be, to bid them act, as if the day were at hand, when they must defend their freedom.

Strong as is the present cause of contest, and powerful as is the necessity that compels us to maintain this battle, a yet deeper cause, bringing with it a still more imperious necessity of resistance, lies beneath the present question. We were threatened with it, even at this session, and in the very midst of questions, that already asked the whole wisdom and moderation of the country to appease them. They told us, openly, that we must pay for the vice in our institutions: that the free labour of the North must not—shall not be degraded to the same footing with the slave labour of the South.

If, then, I am disposed to accept this compromise, it is with a distinct annunciation to our people, that their zeal, their courage, their vigilance, must not be abated; nor must they, for a single instant, intermit their military preparations. I tell them, that we have greater need to be prepared to defend ourselves against these people, than against a foreign enemy. I have heard them, even in Congress, talk openly of attacking us; and that, in a manner, with an exultation—that would render fiends themselves as fit confederates for us, as these men.

Without such preparation, and without a strong military spirit, no people ever yet maintained its liberties. But all our peculiar circumstances—all our institutions—render a thorough system of defence absolutely indispensable to our safety, as well as freedom. Our Militia should be as well trained as the armies of Napoleon.

It is, besides, possible that this accommodation—this compromise—may not be respected. As that compromise should be our very utmost concession, we must hold ourselves ready to take the most decided steps, the instant that it is violated.

As for the Force Bill, it is clearly an attempt to vest in the President all authority whatsoever. Gigantic as are the powers that it gives, he knows full well how to eke them out with supplementary violence, if an occasion ever should arise, that could, by chance, render a yet wider discretion necessary. Of his skill and moderation, in construing the law, we have no unapt example in his notion of hanging the Hartford Convention, *under the 2d section*.

The powers now conferred upon him are far more than dictatorial. Rome, it must be remembered, never appointed a Dictator except in the very last public necessity, when the *existence* of the State was threatened. Here it is done for much more than a year, and upon a mere question of the Revenue laws.



Finally, to compare this bill with Mr. Verplanck's, which the Presidential party attempt to place above it, as far better for the South. This Bill has the principle of equal duties. Mr. Verplanck's had no principle whatever. In this the *minimums* are totally abolished; in that, a number of specific duties were retained. In this, there is no heavy burden on the great articles of consumption. In that, those very articles are heaped with extravagant duties.

As to the reduction under the present bill, it must not be overlooked, that the largest annual diminutions are made to fall precisely on those things which are taxed the most."

### Judge O'Neale's Speech.

The Ordinance, Nullifying the Revenue Collection or Force Bill, being under consideration, and a motion having been made to strike out the clause ordaining an Oath of Allegiance to the State, Judge O'NEALE, (from Newberry,) advocated the motion.—

He set out by referring to the conciliatory observations of the Delegate from St. Peter's, (Gen. Hamilton,) made on a proposition on the day before to postpone the consideration of the Ordinance until this day. He said that he highly appreciated these remarks, as the indications of a disposition to restore internal tranquillity and domestic peace. This result he hoped might be attained by a frank and cordial exchange of opinions on this floor. The time, and the situation of the State demanded it, and from the feeling which had been manifested by the Delegate from St. Peter's, the demand would not be in vain.

The feelings he, said, of himself and his friends had partaken more of sorrow than of anger, in the civil dissensions and internal broils of the past year. None could more bitterly regret the unfortunate divisions in politics which had rudely torn asunder the ties of consanguinity and friendship: and which had substituted party rage for the religion of peace even in the temples of God. He had from the beginning looked upon the political storm then in its approach, which had now passed over us, with feelings not of fear for its consequences to himself, but to the State. Its desolating effects would, he was then persuaded, be found in building up party distinctions, which would for years leave the State powerless at home, by being divided against herself. If he could be the means now of ending these divisions—of allaying the angry feeling of political excitement, he should esteem himself most fortunate. A native of Carolina, he had no wish but for her honour and happiness; all the offices which he had ever held he had received from her kindness; and all his future expectations were

from her. The safety and the honor of the State were therefore the first wish of his heart. Though in a small minority in the body which he was addressing, yet he felt that honesty of purpose and purity of design, were more than numbers; and as a freeman standing on the soil of his birth, that the expression of his views was due both to himself and to the people who had generously committed their rights to his keeping. To the people of South Carolina who have been always distinguished for magnanimity, he felt that whatever he should say for the purpose of removing causes of discontent at home, would not be altogether in vain.

As to the "Act further to provide for the collection of duties on imports," no one regretted its passage more than he did. It is the only thing which could keep up the discontents of the past year for the ensuing one. Some of its provisions he thought unwise, and the third section he believed to be unconstitutional.— But he said he could not vote for the Ordinance to nullify it.— Nullification he believed to be wrong in principle: and notwithstanding he should feel himself sitting as a State Judge bound to give effect to the civil remedy of this or the past Ordinance, yet it would be on the ground that it was passed in the exercise of a revolutionary not a constitutional right. This constituted in his mind a conclusive objection to Nullification. For while it professes to be the bearer only of the sword of constitutional justice, it may unsheath the sword of civil war. And thus while the cry is peace, peace, we may find that the cry is deception, and war the most desolating and exterminating the consequence.

To this Ordinance he had other objections. The occasion which gave rise to the act had passed away, its provisions would therefore have no application to the state of things which would ensue on the repeal of your former Ordinance of nullification.— He said he concurred fully in the observation which had been made a few days before by the delegate from Clairmont, (Mr. Miller,) that it would remain a dead letter on the Statute Book. It was therefore unnecessary that this Ordinance should be passed. And although its passage would be an act for which he should not be in any shape responsible, yet he should regret it as an act calculated both to subject the State to the censure of giving way to rage instead of exercising a lofty forbearance, and preventing what is desirable to all, its repeal at the ensuing session of Congress. For it cannot be disguised that twenty-three out of twenty-four of the States of this Union have denounced nullification. Your Ordinance being in direct opposition to their opinion of constitutional right, may prevent the repeal of the act.

For if repealed after it, it might be claimed as an implied admission of constitutional nullification. To avoid this, the act may be left untouched by Congress, and thus constitute the very precedent which you are desirous of avoiding. Protest against it, if you please, in any terms, and you attain your end as well as if you nullify it. You thus have on record your objections to it. The repeal of it, if the latter course is pursued, is inevitable: there will then be no excuse for continuing a law, when the cause of its enactment, and the subject upon which its provisions were to operate, have ceased.

These remarks, he said he knew, were not directly applicable to the motion before the Convention, but he preferred to make them then, and thus avoid the necessity of trespassing further on its attention.

He said he hoped the motion to strike out would prevail.

The Oath of Allegiance proposed by the Ordinance seemed to him to be utterly unnecessary: and was only calculated to keep up dissensions among ourselves, for no possible public good. He said that allegiance to the United States, consisted in obedience to the Constitution of the United States, and of the State. There was no other allegiance that he was aware of. For the people themselves are the ultimate source of power, and of necessity they are, when they resume their delegated powers, the sovereign. It would be absurd to speak of swearing the sovereign to be true to himself. The Constitutions are the declared will of the people, as to the manner in which the Government should be administered, and these constitute the law paramount or sovereignty to which our obedience is challenged, and by which our duty is defined and regulated. The oath prescribed by our Constitution imposes this duty on every public officer. What more ought to be required?—It is not pretended by the advocates of this measure that the oath now proposed should set up the States government above the Constitution of the United States, or discharge the citizens from their duties under it. If this be so, can you perceive any oath better or more simple than the constitutional oath? This is merely additional and not amendatory—what new duties does it impose? I am at a loss to discern any on its face. Allegiance to the State certainly consists in “protecting, preserving, and defending the Constitution of the United States, and of the States.” An abjuration of allegiance inconsistent with allegiance to the State, will still leave the duties of the citizen to the constitution of the United States, exactly as they stand now. Where then can any necessity exist for this additional oath? There can be none.

He said he was aware that in other States oaths of allegiance similar to that under consideration were required. But it ought to be remembered, that in Massachusetts, the oath prescribed constitutes the only one ; it is not as this would be, additional to an oath to preserve, protect, and defend the Constitution of the United States, and the States. It is regarded as covering, in general terms, exactly what our constitutional oath specifies.

The Virginia oath of allegiance is nearly in terms with the one proposed by your Ordinance. But it was adopted during her revolutionary struggle, and has been continued ever since, more from her indisposition to part with any of her ancient relics, than from any other cause. For I presume that no Virginian ever supposed that that oath discharged him from any allegiance to the Constitution of the United States. It was believed to be equivalent to swearing him to preserve, protect, and defend the Constitution of the United States, and of the State. Like Virginia, he said he was unwilling to part with any of our ancient relics ; our Constitutional oath was the result of the wisdom of '76, and he would be unwilling to set up the innovating spirit of the present age in its place.

Massachusetts, in 1779, adopted an oath of allegiance, which is minute and special, but which does not contain any thing which our own Constitutional oath does not convey with great clearness. This was amended in 1821, in form following : I, A. B. do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof, so help me God."—This is her only oath of office, and was it ever pretended that her public officers were not bound by the Constitution of the United States ?

It is but another form of expressing what our oath of office has abundantly better expressed. For allegiance and obedience are the same thing : and both are fulfilled to the State, and the United States, in preserving, protecting, and defending the Constitutions of both. Neither can be fulfilled by clinging to one and rejecting the other. At the present time, the agitation of this question is unfortunate ; public excitement prevents any thing like dispassionate examination. Action in passion is always erroneous. You fancy a necessity when none exists ; you act hastily and therefore erroneously. When the public mind is inflamed, it is unsafe to establish fundamental regulations. They will partake of the character of the excitement. They will be regarded as the act of a party in power, and not of the people. Your office is to give peace to the people instead of our past agitations.—It is what they expect. The quarrel with the General Govern-

ment being ended, it is time that we should cease to quarrel and divide among ourselves.

In the provisions of our present Ordinance, you propose to give to the Governor, the power of appointing to all offices, except that of judge, where the officer elected refuses to take the oath. What is this but depriving the people of their elective franchise? It is not as the delegate from St. Peter's said, a self denial of office on the part of the officer. It is denying to the people the right to choose whom they will to serve them. It is saying to them you must think as we do, or officers shall be given to you whom you would not have to exercise rule over you.

The administration of unnecessary oaths to the people, is corrupting and debasing. Oaths of allegiance are the proper engines of the despot—they may be necessary to his safety. They cannot be necessary in free governments, which depend exclusively as our's does, and ought, on the affections of the people. But what security do they afford to the rulers against the ruled? The history of Europe for the last fifty years answers, none! How often, and in vain, have oaths been administered to the French people since the commencement of their revolution. They were vain efforts to chain the spirit of liberty, which had again and again, and will forever, burst the fetters of bondage.

This community is eminently a religious one. Can any man possessing the religion of peace, at this time be willing to force on his brother, of an opposite party, an oath which he may think wrong? Surely not.—He may reason with him, persuade him, but not attempt to force him. He ought to be willing to defer it, until his own error or that of his brother may be removed by calm and dispassionate reflection.

The call of this body was special, it was intended merely for the purpose of nullifying the Tariff acts. At your former session you refused, and I thought wisely, to take up any subject not immediately connected with that subject. You refused even to hear propositions to amend the Constitution. What is the Oath of Allegiance now proposed, but an amendment of the Constitution? You ought not therefore in consistency to touch it.—Leave the Constitution in this respect, to be amended according to its forms, and you will prevent discontent and party division. You will then have the matter fully considered by the people, and the change, if any is desired, will be acquiesced in by every one. Adopt it now, and you open again the door to a continual party strife among ourselves.

At present, no one here knows what are the wishes of the people on this subject: they have not given any expression of their

will upon it. If you now act for them, you are liable to do more than they wish.

In conclusion, he said, he must press upon gentlemen to consider, that if this motion prevails, there will follow a perfect restoration of good feeling between the parties in this State, now so unhappily alienated from each other. If, on the contrary, it fails, and the clause is retained, the discord already existing cannot but grow still fiercer. For the sake of harmony, he hoped that the motion would prevail; and that the majority would be willing to leave the matter to be acted on by the present and the succeeding legislature, without any directions from this body.

### Speech of Judge Harper.

Judge Harper followed Judge O'Neale. He perfectly concurred with the gentleman, (he said) in his wish for harmony.—He should even (since that would be invidious) forbear to enquire, how these discords originated.

The gentleman had touched upon two questions, the Ordinance and the Oath. It has been argued, not by the gentleman, but elsewhere, as to the first, that Nullification is odious; that it is not believed in as a constitutional resort, in any State but ours; that its use, questionable at best, must be doubly inexpedient, against a nugatory bill, a bill not intended for practice.

Be it, if the gentleman pleases, that Nullification is *our* bantling; are *we* to abandon it, because, perchance, others may not find its features fair?

But, sir, It has not yet been shewn, on any side, that ours is not the proper remedy. And what, in proof of this, is the federal argument against you? It is a denial of your sovereignty itself; a denial, which amounts to an admission, that, if your State possesses sovereign powers, this remedy is legitimate.

I have said that they deny your sovereignty, and so it clearly is; although they all the while dignify your State with the empty term of a King, of which they refuse her every real faculty. The sovereignty, which they attribute to you, is a merely titular one; about as substantial as the English monarch's title of "King of France," or that of the other potentate, who writes himself "King of Jerusalem."

The process by which all this is accomplished, is not less admirable than its result is noble. They first grant the State to be sovereign. To that first point of orthodoxy, it costs them little to be true. For, no sooner have they assented to this, than they proceed to claim a like sovereignty for the General Government;

from which it follows that, since there can be no real division of sovereignty, these very people, who thus attempt to give you a twin-sovereignty, a double allegiance, universally end, by that which they set out with denying, and, of these two sovereignties, make one supreme, the other inferior, that is no sovereignty at all.

How real and how just is this notion of the divisibility of sovereignty, is thus perpetually seen, in the result of the doctrine. It universally sets out, to shew that there are twenty-five sovereignties. It ends, as invariably, in shewing that, of these twenty-five, twenty-four have no power whatever but that of obeying the twenty-fifth.

Another set of arguers, more adventururous still, deny that the States ever were sovereign. Their historical skill is just a fair match for the logical exactness of their fellow-labourers in the great work of building up a despotism. I beg to know, who first formed the government of this State, but its own people? Who has ever, in any manner modified, or given any power over them, but that people? And what power is competent to make any future change, in the laws or authorities that may be chosen to govern us, but the people itself of South-Carolina?

The whole federal argument, indeed, rests upon this, that the word people has no plural number, or that its form is the same in the plural as in the singular number. Shutting their eyes upon every fact in our history; upon every form, in our institutions; upon every proceeding, in the granting of these powers; upon every plain consequence from the powers themselves—they have chosen to erect their whole scheme of things upon a single quibble, drawn from the perverted sense of a single word.

In the double corners of this equivocation, that party has been dodging, from the beginning of the Government. Yet what phrase is of more common acceptance? Did any man, who heard another speak of the "people of Europe," ever take it into his head, from such a phrase, to constitute, of a sudden, a new political body, unknown, unseen, impossible to find? Did he ever fail, in that phrase to apprehend, that "the people" of each separate Kingdom or State were included?

They cannot deny in the abstract, that the authority of the Federal Government is both a delegated and a limited one.

As a *delegated* authority, no one can contend that it may not be resumed, whenever it is unfairly exercised. Delegated authority is the very converse of sovereignty. But the State and Federal Governments have only a delegated authority. They both stand

in the same relation to the proper, original sovereignty—the people of each separate State.

As to *limitation*, it is clear that there could have been none, if we had delegated *sovereignty*. Who but a sovereign can judge of the extent of its own powers? How are you to limit that, which you have consented to make supreme?

But the entire argument in favor of uncontrolled authority in the General Government, is drawn from the inconveniences of fair and regulated liberty. The question is not, whether you shall have a government that will not be thwarted in its purposes of good, but whether you shall have one, that can be foiled, in its attempts at tyranny. Will you upon the plan of being governed by no constitution, nor no limiting power, but *the will of the majority*, give, to an interested, sectional majority, uncontrolled power of exaction; or, to the States, power to deny?

But, settle this question, if you will to-morrow. Define; establish; secure in twenty provisions. Heap amendment on amendment; constitution upon constitution. It will be all in vain. The attempt of to-day will be renewed to-morrow. The question *will* recur. The ordinary legislature of the confederacy, acting by an ordinary majority, will continually be led back, by local passions and interests, to the encroachments, so profitable to those that can contrive them. Your constitutional provisions can never execute themselves. A majority must put them in practice. Congress, then, can never afford you any safety; and as the danger comes from local influences, so you must have a resource in the local Government, to protect you.

As to the right of Nullification, it is inseparable from sovereignty. It follows, as a shadow the sun. A sovereign is the sole judge of his own powers—of what he has contracted to do, or consented to permit, he alone can, as to himself, decide. The parties to a treaty must each judge for himself, as to its provisions. As far as the execution of any stipulation depends upon him, he has a right to interpret that stipulation for himself.

With respect to the present ordinance, has your Committee given you a true account of it or not? Is it, or is it not a bill, to abolish the State Governments? That bill may be carried into effect, at the pleasure of almost any agent of the United States Government, no matter how low. A sister State is even now threatened with its execution. But suppose that a revenue officer, in the insolent discharge of his duties, take it into his head to beat one of your citizens? Or that a centinel, placed in your own town of Moultrieville, shoot an unoffending inhabitant? Can you punish either? Will not this law take them out of your Courts?



If you attempt to enforce your civil jurisdiction, does it not immediately become the case for which the President obtained the law? May he not immediately attack you with his army and navy? In contending against the Tariff, I have always felt that we were combatting the symptom instead of the disease. Consolidation is the disease. To subjugate the State Governments is the great tendency of the Government; a tendency already largely accomplished. For this, your citizens are to be corrupted and stirred up. This is the enterprise of to day. To-morrow may witness a new one. Perhaps it may be to relieve another "disfranchised class," whom your laws are alledged to oppress—your free negroes, first; and afterwards, your slaves.

How many may you reckon, in the United States, that regard the will of the majority as perfectly binding upon you, as to all possible questions? The North, indeed, may be said to have but one opinion, on this subject. It believes, almost to a man, that the government must, of necessity, have the power to enforce the laws that it passes—that is to say, any law whatever. So strong is this persuasion, and so overbearing the temper that accompanies it, that they absolutely regard us as insolent in the extreme, for daring to withstand a tyranny made for their benefit.

They have at least, however, tendered you the true issue—the issue which I have always wished to see made. The present attempt is too open for doubt, too violent not to compel a struggle. They may have intended it as the declaration of a claim, which, once acquiesced in, will easily be advanced from mere doctrine into settled practice. It must be met, upon the threshold. It may also have been intended as a merely harmless insolence—a *brutum fulmen*. If so, I trust we shall send it back, in a hail storm, upon their own heads.

As to the oath and its necessity, the contest through which we have scarcely yet past is surely lesson enough. We believe the State sovereign, and its citizens bound to it alone. We are compelled to resort to the high powers of the State, to save the country from ruin and slavery. A contest follows; and we are told, by citizens of the State itself, that they owe a stronger duty to the oppressor—the violator of the law—the trampler upon our rights—than to their own injured and insulted State.

Against men acting thus—whose declarations were in effect, a renunciation of the protection of the State, whose conduct amounted to claiming for us a foreign master, what measures could well have been too strong? Yet had the State proceeded towards them with a signal moderation. Not the slightest severity has been put in practice against them. Even when we had a

self constituted body nosing us here, and, and under our very eyes, contriving how most effectually to defeat our great measures for the public liberty, and to dishonour the State, this did not provoke us to any measures of harshness. I firmly believe that there exists no other State in the world where such things would have been borne.

As for the argument which the gentleman has attempted to draw, from the divided state of public opinion, as to this matter of allegiance, I cannot conceive how any thing can be made of that, except the very strongest reason for settling the question, by placing men's duty plainly before them.

But they cry out, "that it will be an invasion of the liberty of opinion." Is the matter of fidelity to one's country—is the duty to support her lawful acts against unlawful violence, "*opinion?*" The State claims no opinion whatever from them. Nor is it a mere *opinion* that they claim to exercise. They claim to be permitted, *not to do their duty as citizens and freemen*. They claim to be allowed to assist, by their measures, the enemies of the State. Is this *opinion* merely?

It is urged, "that the oath is, in effect, but the present one." I grant that it is so, in my apprehension. But if it is so in theirs, why this division of opinion about their duties and allegiance?

The question seems to me, in the present attitude of the State, to be nearly as if a country, on the point of being invaded, shall deliberate whether or no she should put all her strong holds into the hands of the enemy.

As to the argument "that we shall perpetuate the act, by resisting it," it is precisely on a par with that famous one, which we have been hearing for five years, "that the intemperance, with which we opposed the Tariff, was the true cause why the system was not overthrown."

This ordinance is alleged, "not to be of the proper business of the Convention." The Convention was called for a special purpose—that of defeating, by the interposition of the State authorities, the usurpations of the General Government—more particularly, the protective system. To your acts, for that purpose, a new tyranny more violent and flagitious than the former, and belonging to the same matter, has been opposed. You cannot struggle with it, unless your people do their duty, and enforce the measure of their State. It is absolutely indispensable to your object, that they should act upon a true allegiance to their State. You must give up the contest, if you cannot bring them to it. This is a measure, without which all your former measures are vain.

Finally, we must regard ourselves as at the beginning, not at the end, of a contest. In less than another year, we may be called to arms. Such is the strong possibility which the present aspect of things presents. All men agree, that we cannot safely intermit our military preparations. I myself believe, that a contest will come at no distant day. When it arrives, we shall have done any thing but a manly part if we are not ready. Nor is it by flinching from our position, nor by a weak and fallacious moderation, that we shall then be able to acquit ourselves of the great duty which our country has placed in our hands.

### **Speech of Mr. Turnbull.**

Mr. Turnbull followed Judge Harper, and said, that in rising to reply to the honorable gentleman from Spartanburgh, (Judge O'Neal) he would do injustice to his own feelings were he not to express his high approbation of the conciliatory temper which he had brought into this debate. To me, said he, who from the beginning of this combat have looked to no other object than the liberty of my country—who am bound by the most solemn pledges, that I neither will solicit, nor receive office—for whom popular successes have no charms—whose utmost wish has been to fight for freedom as a common soldier, every thing would at all times have been grateful, that gave promise of such a concord in the State, as would have rendered the successful assertion of its rights an easy enterprise. Intent on the public liberties alone, and struggling only to rescue them from a tyrannical domination from abroad, what had we to gain, in spreading divisions, and kindling animosities at home? What could this have effected, except to wither the very strength in which our whole hope must lie. Sir, it was not for those who led on this most unequal contest—this forlorn hope of freedom, to repulse any honest aid, that was willing to join itself to a brave but suffering cause. While therefore we did all that men could do, to animate all minds to the pitch of such an attempt, we labored with a care not less assiduous, to conciliate whatever was not incompatible with our principles, and to unite every opinion that was not inveterately foreign and hostile. At no time have we asked any sacrifice of opinion. We have exacted no conformity of faith. We sought no proselytes except to the great cause of freedom and reform. We aimed to erect no party, except that of the public liberty—that of men, no matter of what political creed, who loved the State, and were willing to defend it.

Under the influence of these views, I have been delighted at the declaration which the honorable gentleman has made to this

House of his own feelings from the beginning, and of the very honorable principles, on which, he tells us, he would have acted, had he ever been called upon, in his official character, to decide on the Ordinance of this Convention. Much, however, as I applaud, and thank the gentleman, for the sentiment he has just expressed, I cannot but regret that he omitted to seize for the explanation of his views, a moment which would have been far more auspicious to the State, though perhaps not more honorable to himself.—Would to God! that he had not been silent, but had spoken, as he now speaks, when last we met in this body. An earlier explanation would have had a more salutary effect, upon the opinions and conduct of those with whom he was politically associated, and gone far, very far, to give to the State, that union and harmony, which the gentleman now so strenuously invokes.—That the gentleman had good and sufficient reasons for his silence, I can have no manner of doubt, but still I cannot but deplore, that any reason, however urgent, should have had the effect of withdrawing from the State, at so critical a period, that succour which must otherwise have come up so efficiently to her relief.

Sir, I never can forget the memorable 24th of November—that day which is unquestionably the proudest in the proud annals of South Carolina—that day which is destined, if this Government endures, to make so great an era in its freedom—that day when the honor and safety of the State, (both irretrievably committed in a difficult and dangerous contest,) ought to have made men forget all former differences or dissensions—that day when men might honorably have yielded the party feelings of ordinary times, to a conjuncture, which, threatening instant war, could leave *no parties* in the Commonwealth, but compelled all men either to be *citizens* or *enemies*. On that day, Sir, the day when to the joy of our people, the Ordinance to resist the tyranny of the Federal Government was passed, I can never forget how I watched the countenance and movements of the honorable gentleman from Spartanburg, as well as of some others with whom he acted. I watched them, Sir, (I avow it,) with the deepest solicitude. It was, as I thought, the very moment for patriotism and magnanimity to have seized; nor could I well persuade myself that such a glorious opportunity would be permitted to escape. To me it seemed almost impossible, that in such a body of men, all of them professing to love Carolina, no one gentleman should be found who would break the vulgar trammels of party, and say, “*I do not concur in your measures. I fear the consequences, and I believe you wrong; but since the honor and the very existence of the States are now (no matter how,) placed at stake, I will*

live or perish with her." Sir, I assure the honorable gentleman, that I did not give up all hope, even on hearing the chilling sounds of the *Nays*, which at long intervals came from their lips. I thought there was still another moment for escape, from the awful abyss into which, (as events have since shewn,) they were about to be plunged, and their influence thus lost for ever to their country. There was something so heart-cheering and inspiring in the mode of ratification—the seven patriots and war-worn soldiers of the revolution, going up to sign their names—the crowd around the table—the anxiety to affix their signatures to an instrument, which, like the Declaration of Independence, was to endure forever—the joy beaming on the countenances of all, that the great work of reform was at last begun.—There was enough in all this to tempt some one of our opponents to announce that he must now go with the State, right or wrong. But nothing of this sort was seen or heard. They gave no sign even of such an enviable feeling as this; nor in all the dangers and alarms, which have since menaced the State, have they taken a single step which promised fidelity, or wore even the look of loyalty.

I trust then, I am justified, when I declare that strong as is my confidence in the honorable gentleman from Spartanburg, I have none whatever in the party with which he acts. I believe the gentleman mistakes their purposes, when he flatters himself that they will respond to the sentiments, which he now utters. He must remember that his own declaration is, up to this day, singular and solitary. Nor is it less contradicted by the silence of that party, than by their private and public acts. They must feel—they cannot but acknowledge, that until they shall decide to give some pledge of faithfulness to the State, the measures which they have hitherto pursued, must compel us to pass the Ordinance, and to exact from them the proposed oath. I have as yet seen no symptom of change in them. The very contrary is the truth. The public steps which they take, all look to the maintenance of their party plans, against the State. Within this half hour I have had placed in my hands, this paper, purporting to be a notice, or proclamation, signed by the five heads of their party, in which they postpone the present assembling of their Convention, but style the high Sovereignty of the people now convened, under the sanction and forms of the Constitution, "the DOMINANT party," and they promise that they will again convoke their assembly "*as soon as any new TYRANNY against them shall render it necessary.*" Sir, it is idle to hope, that any measures, however conciliatory, will ever appease a party who thus claim a supervisory power over this body.

I thank the gentleman for what he said of the enormity of the "Bloody Bill." I thank him for treating that Bill as so monstrous. The gentleman conceives it so impossible to be executed, that it can only be a *dead letter*. In this last opinion, I regret to find that some of our own friends concur, and I can account for it in no other way, than that they have not sufficiently examined its provisions. I warn gentlemen against the fatal delusion, that Congress in passing the Bill only designed to cover the retreat of General Jackson, from a field of battle, in which he had been disgracefully beaten. Let them not regard it as a mere threat, that if we do not accept what we were willing to accept, Mr. Clay's Bill, we should be whipped into an acceptance. Sir, I do not regard this Bill as a threat, or a Bravado. I am far from thinking, that it amounts to no more than the Bloody RICHARD at Washington, heaping his impotent curses upon South Carolina—this noble RICHMOND of the South who has foiled him. We must remember that the most odious provisions in this bill are those which are perpetual; and Sir, he is but a superficial observer, who does not perceive, that as the Bill now stands, the Government must become consolidated, and the dignity and liberties of the States lost forever. Had the whole Bill been limited to the first and fifth sections, there could be but one opinion on the subject. We should all have regarded it as a mere *Brutum fulmen*—a vain contrivance to tarnish the lustre of that bright and glorious triumph, which Nullification has peaceably achieved, in the extorted concession in Mr. Clay's Bill, that the duties shall be adjusted on the *ad valorem* principle, and that the revenue shall ultimately come down to the economical wants of the Government. But here are provisions which are to remain forever on the Statute Book. Here is a base line of operations, on which a despotic President, supported by a corrupt majority in Congress, can carry on a most vigorous war in future against our liberties.—Here is a system of preparation for another battle at some future day, and on ground, which (if we do not insist upon the Bill being expunged from the Statute Book) will by long established acquiescence, be considered as no longer debateable. Sir, it is impossible for this assembly not to see, that this is the most daring of all attempts to prostrate the freedom of a people. I will not detain the Convention, with the catalogue of the frightful evils of this Bill. They are not only detailed in the able Report which lies on your table, but they have been as ably enlarged upon by my honorable friend who has preceded me. But I would ask, if it be in the power of language to express a greater state of degradation, than that to which this Bill will expose our State judiciary

—that judiciary, which is the *right hand* and the *right arm* of our sovereign power? What is the nature of our present controversy? Is it not to settle the question, whether the State be sovereign or not sovereign; and will any man undertake to say that any State can be sovereign, to whom is denied the right of enacting, expounding and enforcing her own laws, within her own limits, and according to her own high sovereign sense of right and wrong? Sovereignty, Sir, is not a bauble and a name. It is the power of a State displayed through its judicial and executive departments—that power which in infancy, in manhood and in old age, covers us all as with a shield, against the assaults of private and public oppression—that shield, which no man is willing to throw aside who has a country that he would love, or rights that he can defend.

But sir, it is not enough that we should by a solemn Ordinance, denounce in terms, any act of Congress which strikes at the sovereignty of the State. We must do more. We must guard that sovereignty against the future assaults of the Federal Government. We must be able to command the forces of our Citizens, in all future conflicts with that Government. This can only be done, by coming to a final decision on a subject, which hitherto for the want of some fundamental law on the subject has been a source of infinite doubt, perplexity and confusion. I allude to the subject of allegiance. With a constitutional enactment, defining allegiance, and distinguishing it from mere obedience, we shall be safe. Without it we shall, at the next conflict with arbitrary power, have to go over the same ground of contention, and again fight for liberty, with distracted councils and a divided population. Every State in an emergency ought to have the power of commanding the services of its Citizens, for what is sovereign power, but that power which regulates a course of conduct for us, against our opinions and our wills, in conformity to that law of the social compact, in which it is matter of implied assent, that the fiat of a majority of the members of that compact shall be the rule for all.

Under such a view of the subject which no sophistry can confute, one would imagine that there could arise a difference of opinion as to what Government, in our anomalous system, allegiance is due. Common sense would seem to dictate, that it could only be due to that society, which is bound together in the *social compact*, and not to that agency, which we call the Federal Government, and which is the result of a *political compact*. There being such a thing in existence in South-Carolina as a *social compact of the people of South-Carolina*, and no such thing in existence as a *social compact of the people of the United States*, the

inference seems irresistible, that allegiance which is the creature of, and can only arise out of, the social compact, must be due to the State alone; whereas *obedience* and not allegiance must be given to the laws of the Federal Government, upon precisely the same principle, that the subjects of two Princes entering into a treaty, are mutually bound to obey the terms of that treaty, until their respective sovereigns shall order otherwise.

It has been too much a disputed point with many good men, whether allegiance be due to the State or the Federal Government. Much confusion has been the consequence, and what is the cause. I have already intimated the cause? It is the want of some adjudication by a competent authority. This Convention is that authority. Here are the people assembled in their original high character of sovereignty. To this body it belongs to settle this disputed question, now, and forever. Once settled there can be no more discussion. What the whole society has done, will gradually receive the approbation of the virtuous and the patriotic of the society, and further than this we need no approbation.

But let me not be understood that a mere declaration from this body, that allegiance is due to the State is sufficient. We must give effect to this declaration. We must compel our public functionaries, hereafter to be elected, to honor and affirm this constitutional provision. We must not forget, sir, that the very authority of this body has been denied. There are those who maintain that their allegiance is due elsewhere—who are organized to act upon that principle.

Under such circumstances, with this Bill of Blood suspended over our heads, with a portion of our well meaning citizens in doubt and difficulty on the subject of their allegiance, with recreants desperately bent beyond any parallel in the history of other times, upon resisting the State authorities, with men laying their plans for military organization—arming themselves, and trained to the use of arms, showering down upon the mercenaries in our harbour, sent hither to massacre our citizens, their private hospitalities and their public honors, holding their secret conclaves in our very capital, and almost in sight of the regular legislative body:—can any member of this Convention hope, that the mere expression of the opinion of this body will be sufficient to eradicate from the soil of Carolina this rank weed of Federal allegiance, choking the growth of every wholesome plant of fine feeling, which otherwise would spring up for the sustenance of our liberties and our laws? I tell gentlemen, that this is the vainest of hopes. It is expedient that we demonstrate the power of the State, by exacting the promise of allegiance from every man, who desires to



be a public functionary in the State. Why, sir, at a crisis of public danger, the universal maxim has been, that the safety of the people is the supreme law, and if even measures not strictly constitutional, have been submitted to and even justified by the people of America upon the principles of unavoidable necessity,—in the name of common sense! can there be any harm, when the squadrons of consolidation and tyranny are at our very gates, demanding our surrender at discretion, can there be any harm in the sovereign State of South-Carolina, requiring of its citizens those duties which every code of international law prescribes, and which every Prince, Potentate or State in Christendom, is in the practice of demanding—that they shall give their fealty to the State, by some unequivocal act, before they shall take office. Shall a man, sir, enjoy the privilege and the RANK of a citizen of South-Carolina, (for considering her glorious efforts for freedom, it is indeed a *privilege* and a *rank*, to belong to such a State,)—shall he be permitted to eat the bread of the State—shall he feed and clothe his family from the public treasury, and yet be allowed to say, that he neither owes, nor will he give his fealty to such a State? Why, sir, it is monstrous. Those who need some apology for their recreancy, have raised a clamor, that a test oath was established by the late ordinance, contrary to the intent and meaning of the Constitution. What, sir, is a test oath? According to my idea of a test act, it is an act requiring the avowal of a certain religious opinion, as in England, as a necessary qualification for office. To say, that no man shall be eligible to a seat in Parliament, unless he believed in the doctrines of the established Church, is tyranny. Such an act is a test act. But does any man in his senses believe, that a native Presbyterian, or a Baptist in England, would have regarded an oath of allegiance, to defend the Realm, as a test oath? Who, sir, were the men most oppressed by the test act of Parliament, before the late reform? Were they not the Irish—the very men, who at the moment when they were justly complaining of the odious test acts, were themselves giving the most point blank proofs of that very allegiance to their sovereign, which our malcontents are unwilling to give to their native State—who were actually serving in his Majesty's fleets and armies, and willingly fighting his battles in the four quarters of the globe? Would these men have called an oath of allegiance a test oath? No sir. They were willing to give their allegiance to their sovereign, and to abjure all other allegiance. They cheerfully took the oath on receiving their commissions. The hardships of which these brave and suffering Catholics complained, was not that they should be required to swear fidelity to their King and country, but

that they should be disqualified from an higher command than a captain in the army or navy, and from a seat in Parliament, &c. unless they embraced in the form of an oath the Protestant belief.— Away then with all this nonsense of an oath of allegiance being a test oath. Did this Convention require by its late ordinance, the avowal of any particular opinion as a qualification for office? No sir. There was nothing to prevent any public officer, five minutes after he shall have swallowed this oath, to maintain his opinions as usual—to travel from Dan to Beersheba, and to call out from the top of your market house, that Nullification was metaphysical nonsense, and that this Convention was bent on the ruin of the country. It would not at all be inconsistent with such an oath, for a man honestly differing from this Convention, to use his influence in bringing about by all constitutional means, what in his view may be a better and a sounder state of public opinion. All that the oath requires, is, that in a time of danger every citizen shall defend the altars at which he has worshipped, and the fireside at which he has been so long accustomed to see wife, children and friends. If there be, what I can scarcely believe to exist, an honest individual who is desirous to receive and does receive the patronage of the State, whose conscience at the same time forbids him to take an oath to support that State against the invading army of mercenaries in our harbor, all I can say, is, that such an individual may find it to be a great convenience to hail from South-Carolina, but I am not very sure Mr. President, that such an individual, in the long run, would be regarded as a very profitable public servant. I mean, sir, no offence to any human being in or out of this house by this language—I can intend no offence, because I here conscientiously affirm it to be my belief, that there is not a reputable man, who desires to continue in office in the State, whose conscience could be affronted by the presentation of this oath. I do know, sir, for I have heard from some of the gentlemen themselves, that their objection to the oath, is an objection on the score of pride and feeling, and not in point of conscience; and surely sir, if their consciences are not offended, it is not the height of absurdity to call the proposed oath by the odious appellation of a test? To the objections of those who do believe that this is a consolidated government, and not a government of States, and who deny their allegiance to any other power, than that of the Federal Government, no other answer need be given than this—If they deny allegiance to South-Carolina, they have no right to ask of her office or honors.

The honorable gentlemen has told us of the evils of the two frequent administration of oaths of allegiance, and that they are

the contrivances of Despotic Governments. I beg pardon of the gentleman. He seems to have forgotten, that in the best days of Rome, they were administered in great form and ceremony under their eagles, and would it be difficult to persuade me that in a great public crisis like the present, there could be any impropriety, in requiring from every militia officer, that he should at the DRUM HEAD, and under the banner of the PALMETTO, swear fidelity to the State, whose commission he bears. But says the gentlemen why require an oath, when there is no prospect of this Bloody Bill being enforced. I would require it for this unanswerable reason. The principles for which our gallant little State now contends, are those upon which the public liberty of this Union are built. It is desirable that the spirit of these principles *should* be seen, and felt in all public proceedings; that they should characterise our legislation, and above all that they be incorporated fundamentally in our system by becoming part and parcel of the constitution of the land. The sovereignty of the State, is the cardinal point in our political system. It is that point in the fortress of liberty, which has been most assailed, and though sir, from our ONE GUN Battery of Nullification, as I intimated in the debate of yesterday, we have made the enemy's ships so uneasy, as to compel them to slip their cables, and put to sea, yet sir, this new battery of the Bloody Bill which the enemy has erected, will place our works in considerable danger, if we are not constantly on our guard. The Tariff is modified, but there is a principle affirmed on the statute book of Congress, which is designed to be the entering wedge for the unlimited power of the Federal Government. It behoves us then to lose no time in concerting measures of defence against this new species of force brought to bear against us. It behoves us to display the sovereign power of the State, whenever an occasion offers, and to remind the citizens that she is sovereign—to settle within her own limits the long agitated and perplexing question of the nonsense of a divided allegiance—to prepare the mind of the people to the belief, that there can be no security for the future, but in the right and in the expediency of an oath of allegiance, so that when the tyrant who now presides over this people, shall again approach us with his hirelings, and the time for conflict shall again come upon us, our citizens, instead of being engaged in bitter controversy, as to what is or is not their duty, shall be found ready and willing to obey the call of the country, at the very instant, that the Bugle of freedom shall be sounded in their ears, or the cry of "on to the rescue" is shouted from this Capitol.

To effect these important results, familiarize the public mind to

the subject of allegiance, **ONE AND INDIVISIBLE**. Put on record your opinions in the most enduring form—incorporate into your fundamental laws, the belief for which we have so nobly contended. By such means, good men, who now hesitate, will gradually fall into these opinions of the majority, and the young especially, unfettered by prejudices and uncommitted by any public and unguarded declarations, will look to no other guide, than your constitutional enactment, and thus they will be brought up “in the nurture and admonition,” of the rights of the States. If you do these things you will be a sovereign State. You may live to reap the fruits of the conquests you have already made—you will ensure peace, unanimity and happiness within your borders, and future generations will cherish the remembrance of the patriotic labours of this Convention, and will bless you. But if you neglect now to provide all possible means for saving your sovereignty, if you can be deluded into the belief, that a State can be sovereign, which can permit its officers, civil and military, openly to talk of resisting its authority even by force of arms, you will discover your error when it shall be too late to rectify it, and your labour will be in vain.

I delight, Mr. President, to reflect on the incalculable advantages, which it is my firm belief, must arise from the course now recommended, to those who are to come after us. No sooner shall the next blow be struck at the liberty and sovereignty of the State, than the friends of freedom will find a foundation prepared for them, on which they may safely erect what superstructure they please. They will find the crisis provided for. They will find in your archives, an Ordinance suited to and made, as it were, for the very occasion. They will discover in that Ordinance, and in the accompanying documents, conclusive evidence of the foresight of their ancestors in omitting nothing necessary for the renewed contest, which they were well assured must take place. They will thus have clear lights to guide them. They will not be embarrassed, as we have been, on the subject of allegiance.—They will not wrangle and dispute as we have done, as to what our duties are. Our children will only have to turn to the record and history of these times, and say, “There it is. Our ancestors after passing ten years of their lives in a most extensive wilderness of doubt and difficulty, finally reached the land of promise and settled down upon these conclusions. They have marked out the path plainly for those who were to follow them. They have ordained it as part of their fundamental law, that the citizens belong to the State, and from our infancy we have never heard of any other allegiance, than that by which they swore, and which

carried them so proudly through that contest, the fruits of which we are now permitted to enjoy."

Thus our children will begin exactly where we have ended.— Had Virginia not built her Arsenal, co-temporaneously with her Resolutions of 1798, it might have remained a matter of doubt, whether those resolutions were not designed by her politicians rather for political effect, than from any real intention to execute them. But the preparing herself for the conflict, by such an *overt* act, as the manufacture of an hundred thousand stand of arms, too clearly shews that when *she* spoke of her rights of *interposition* to arrest the progress of the *alien* and *sedition* laws, she must have intended something beyond an impotent protest and remonstrance. And so, when our descendants shall see in the proceedings of this Convention, unequivocal acts of preparation for future conflict, they will cheerfully rally around the principles which we have so nobly sustained, and these they will boldly maintain in every enterprise for freedom to which they may be summoned.

In conclusion, Sir, permit me to add, that is my firm belief that freedom's battle is not ended—it is rather but just begun. Let it not now be baffled by any fault of ours. Let us follow up our recent victory by preparing in time for the new conflict, which sooner or later must come. A new issue is presented to us. It is the **ISSUE OF THE BLOODY BILL**, an issue in which we may calculate on the co-operation and support of the whole South. If under auspices so favorable, we shall fail to make such a provision, that when the tug of conflict shall come, we shall have no men but what are sound and true, we shall not be worthy of that great and glorious struggle which so far has conducted us to a brilliant and most unparalleled success, and to the final issue of which, we may confidently look, not only for the peace, prosperity, and happiness of this confederacy, but for the liberties of both worlds.

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### Speech of Mr. Phillips, OF CHESTERFIELD.

I am well aware, Mr. President, that in rising at the present time, I run the hazard of a contrast, with gentlemen whose genius and learning have rendered them eminent throughout the State. Did I counsel with Prudence, I should now preserve the determination with which I entered this hall, and keep my seat in silence. But Sir, were gentlemen greater than they are, sentiments such as have just fallen from them, shall never be uttered in my hearing, and pass unnoticed.

As to the charges of the Delegate from Charleston, (Mr. Turnbull) against the Union Party, I would Sir, that our ages sanctioned it that I might cast them back upon him in the language they deserve. That gentleman has very emphatically declared his determination "not to relax until the Union party shall give some proof of their attachment to the State." Little did I expect Sir on this occasion, in the very Capitol itself, to hear the patriotism of the Union Party questioned, and least of all from such a source. To such a charge from such a source—well could one exclaim *et tu Brute!* Sir, as one of that party with which I am proud to be identified, I will not yield in my love for Carolina to that gentleman. The land of my birth is the land of my affection; and though I may not boast my services to the State, yet if there were a hope, or wish, or feeling in my heart, alien to the honor and welfare of my own native land, I would tear it from my bosom.

Sir, no less surprising is the expression of the delegate from Fairfield, (Judge Harper) who speaks of the Union Convention as an unauthorised body "nosing the regular authorities and endeavouring to thwart the measures of the State," and who very earnestly declares "that in no other country would such a Convention have been allowed." Has it come to this? Is the character of our people changed? Are the principles of Republican government already forgotten? Are we so soon to be told that a Convention composed of the Representatives of 17,000 voters, (and which for virtue and talent would lose nothing in a comparison with this,) assembled by the mere sufferance of the dominant party; and that we are hereafter to hold by sufferance, the dearest right of freemen? Sir, if such opinions are to give "form and pressure" to the times, then is it fitting we should so understand it.\*

While Sir upon the floor, without intending to detain the Convention with a Speech which at this late hour they would be as unwilling to hear as I am to utter, permit me briefly to state the reasons which will govern me in my vote upon the present motion.

I am opposed to the whole Report and Ordinance, but shall confine my remarks to the oath which is proposed to be incorporated with the Constitution.

The terms of the oath are objectionable, because they are ambiguous. Something more seems to peer from beneath the verbiage than is intended to be seen. If it requires only allegiance

\* Judge Harper explained that he only intended to deny the right to counteract the laws of the State.

to the State authority within its proper sphere, it is an act of supererogation, being superceded by the present simple and comprehensive provision of the Constitution.—If more than this is to be required, and the oath intends that we should swear, a “primary and paramount” obligation to the State, which may abridge or destroy our obligation to the United States, then do we most strenuously object, and sustain our objections by the Federal Constitution, adopted by the people of South Carolina, in which they have declared, in terms that scarcely admit of cavil—“that the Constitution of the United States, and the laws made in pursuance thereof, shall be the supreme law of the land, any thing in the State Constitution to the contrary notwithstanding.” It is in vain, in face of this provision, for gentlemen to declare the general government—a “foreign government”—that the States of this Union are connected only by a “treaty”—any article of which may be nullified by any of the parties thereto. If these be correct, then I admit that the conclusion which denies, that there are citizens of the United States—that allegiance is due to the United States—and that the United States may punish for treason, when the citizen is shielded by State authority is perfectly legitimate. But our political history affords no basis for such positions. Mr. Jefferson, and the patriots of his day, who felt the weakness of the articles of Confederation, and even determined to remedy it in the formation “of a more perfect Union”—must have labored blindly and labored in vain, if we are now to read the Constitution by such lights as the gentlemen have afforded us. Sir, the action under the old Confederation being by requisitions upon the State Legislatures was found ill-suited to preserve the peace and prosperity of the people—the refusal and delay of the State Legislatures to comply with many of the requisitions, soon exhibited the necessity of the formation of an efficient government—and called forth those strong expressions of Mr. Jefferson, that “the States must be made to feel the rod”—the “government must show its teeth.” The articles of the Confederation yielded to public opinion, enlightened by experience, and the present Federal Constitution, as forming, “a more perfect Union” was established in its stead, the leading characteristic of which is its own inherent power, to execute its laws, not by requisitions upon the State Legislatures, but by direct action upon individuals, now citizens of the United States. The sovereignty of the government so brought into existence is further established, by empowering it to punish for a violation of faith. Treason is a breach of allegiance, and allegiance is due only to sovereignty. But as if nothing should be left wanting accurately to fix the character of the Fe-

deral Government, a proposition made in the Convention which framed the Constitution, to exempt the citizens, when acting under the State authority, from the liability of treason to the United States" was expressly rejected. This rejection, Sir, is consistent with the provision which declares the supremacy of the Constitution and laws of the United States. Its adoption would have led to the reverse of that provision, and we should have declared "that the Constitution and laws of each State, shall be the supreme law of the land, any thing in the United States Constitution to the contrary notwithstanding." As, Sir, the State Constitution is the emanation of a State Convention, nothing is gained by distinguishing between those bodies and the regular action of State Legislatures.

I further object, Mr. President, to the passage of this oath, because this Convention, has not been charged with the matter, and therefore do not represent the people in relation thereto.—The rule laid down by the Convention at its first session, not to act upon any subject but that for which they were specially elected—has excluded from our consideration many important provisions for the amendment of the State Constitution. Acting upon this rule I forbore to present to the Convention the consideration of our present unequal mode of Representation, and this too contrary to the instructions of my constituents. The State Constitution has provided for the mode of its amendment, by means of two successive legislatures. The passage of any additional oath, therefore, should be properly left to the people who will consider of the same, and elect their Representatives in reference thereto.

But the Delegate from Charleston conjures this Convention, "not to leave to chance or accident the passage of an act so important to the State;" "chance or accident!" what, Sir, is meant by the expression?—Does the gentleman really think that this Convention is irresponsible to the people—differing in this form from other Representative bodies? That there exists here, an interest differing from, and independent of, the interest of the people? What, Sir, is the argument? It is proposed to refer the subject under consideration to the regular action of the Legislature; and against this the gentleman urges, that the matter is of too great importance—that this Convention has the power, and ought to exercise it—that they are not responsible—that to refer it to the Legislature, would be leaving it to "chance or accident." Sir, in what capacity do gentlemen regard themselves as acting? Are they aught else than the Representatives of the people?—and who compose the State Legislature—are they less than the Representatives of the people?—and yet a reference to the Le-



gislature is said to be leaving it, "to chance or accident." Sir, this "chance" which the gentleman so much fears, has no terrors for me. So far from impelling me to action, it commands me to pause. If a reference to the people or their Representatives be the "chance" to which the gentleman alludes, I can assure him, it will constitute with republicans no substantial objection. For the glory of our free institutions consists in being based upon this very "chance," the will of the people.

But, Sir, if we were empowered to pass this oath, great objection exists as to the present time. The spirit of discontent is now abroad upon our land—day by day it is increasing in strength, and if not arrested must soon accomplish the destruction of our institutions. Though this may not constitute with some gentlemen cause to stay their hand, it presents to my mind an objection of the strongest kind. For I must confess, Sir, that in disunion I see nothing but dire calamity. Even a "Southern Confederacy with the Potomac as the boundary"—which tickles the fancy of gentlemen "as they lie asleep," even this for me sheds no ray of light upon the gloom of Disunion. That the affections of a large portion of our people are alienated from the General Government cannot be doubted by those who have regarded the signs of the times. Sir, among my own neighbours there are men whom I know to possess honest motives, openly declaring that they can join neither of the present parties—but wait the formation of one which shall go holdly and openly for Disunion. Sir, sentiments not very dissimilar to this have been proclaimed on this floor, by the delegate from Colleton, (Mr. R. B. Smith)—when he declared in a tone and manner that could not be misunderstood, that his people were not ardently attached to the Union. Sir, whatever may be the general tendency of this Government, the evil which now threatens us is Disunion—and we are not to be driven from the contemplation of its consequences by the scarecrow of Consolidation; or by reference to another subject addressed so peculiarly to our passions. It has been said by an American Statesman, that if the Government is ever changed, it will approximate to despotism. What then have the friends of State Rights to hope for in a dissolution of the Union? I should rather ask, what have they not to fear?

Sir, I am attached to the Union Party, because I believe them to be devoted to the State, and because they think with me, that the preservation of the Union is the only security for the safety and prosperity of the State. That on the other hand a dissolution would be followed by protracted wars, which sooner or later must end in combinations, founded upon the rankest principles of consolidation.

But, Sir, if all other arguments are ineffectual, there is still one, which must come home to the bosom of every man. Patriotism points to the wounds which have been inflicted upon society, and bids us pour oil upon them. Shall we by new provocatives irritate them the more, and make them bleed afresh? Sir, for one I am sick at heart with the present controversy. I am disgusted with the suspicion and treachery that I see every where around me. The dearest relations of life have been violated by the monster of party; the warmest friendships have been severed, and the remembrance of the past serves but to embitter the present! Even the domestic relations afford no guarantee of protection. The social hearth is invaded, and the partner of the husband's bosom, of whom it is said that she shall leave all the world beside and cleave unto him, even she has been torn from his affections, and disputation substituted for conciliation.

Sir, I desire peace, and a restoration of the old order of things, with no view to personal advancement. In the District which I have the honor to represent, the Union party have the ascendancy, and can maintain it. But, Sir, I ask it in the name of the State; her prosperity demands it. Not for her sake alone, I ask it also for my own. I long once more to take my former friends by the hand, and look them in the face, without feeling that there was something in the bosom of each not as it used to be.

### **Remarks of Judge O'Neale.**

In the Convention, on Monday, Judge Colcock having (upon the motion to take up the consideration of the Ordinance and Oath) made a sort of appeal to the Union party, for a clear declaration of their present feelings and intentions, Judge O'Neale rose, and spoke to the following effect:

I am, as I have already said, anxious for peace. I would, in every possible manner, court the return of good feelings. The only course, which seems to me left for you to pursue, is, to endeavor to heal the present dissensions in the State.

I believe that this Oath is the only cause, that could continue these irritations. I see nothing in the state of your affairs, that makes the Oath any longer necessary. Every thing, therefore, bids you wait the ordinary mode of engrafting such provisions on the Constitution. Let two successive Legislatures adopt it, if need be.

While I thus explain my own feelings, it is due to a distinguished friend, from whom I have just heard, on these subjects, to declare his sentiments. The following is a passage of a letter from Col. Richard Manning, which reached me this morning:

(Here Judge O'Neale read a short passage from the letter, in which Col. M. expresses his wishes for peace and harmony; and declares himself in favor of any thing that will conciliate. The expressions are entirely of a general sort.)

I repeat, (resumed Judge O'Neale,) that I cannot believe that the act, against which your Ordinance is directed, can ever be put in force, and that there can, therefore, never be any occasion for this Oath.

He was followed by Mr. Perry, of Greenville, who delivered a Speech to nearly the following effect:

### **Mr. Perry's Remarks.**

I believe that there is no man, Sir, who would not rejoice to see those dissensions ended, that have so long vexed the State.— For myself, I can sincerely say, that I wish nothing so much; and I have, in conformity with that feeling, made it a point to exhort those, on whose part I occupy my seat in this body, to forget and forgive. I cannot but recognize, with the greatest pleasure, an equal liberality and kindness of feeling, in the declaration which the honorable gentlemen from St. Peters and St. Helena have made. My friend on the left, too, (Mr. Phillips, of Chesterfield,) has spoken in a language that does equal honor to his head and his heart. I am sure that no one in this assembly can have heard him, without having his feelings touched.

If, Sir, this Oath be stricken out, my constituents will be satisfied. They will be willing to bury all that has passed, in oblivion. But if, on the contrary, you level at them a measure like this, you will only add to their present irritation.

There is, too, in the community, a prejudice against Oaths, enacted by this body. If you must adopt oaths, let it be by the Legislature, in the ordinary manner. This will be more acceptable.

Sir, I do not believe in the efficiency of oaths. They are continually violated, when once you render them familiar. The patriotism, at best, which is to be made by oaths, cannot be worth much.

With respect to the Force Bill—the alleged reason for these proceedings—I do not believe that it will ever make them necessary. That the Bill will be speedily repealed, I have not the least doubt. But the President is too virtuous and enlightened to attempt to carry such a law into effect. He will never be so very a tyrant as to do it. If he should, however, I will then, as I have always said, resist tyranny, come from what quarter it may.

### Mr. Wilson's Speech.

The following are the Remarks of Mr. Wilson, a delegate from Charleston, upon his motion to amend the Ordinance reported by the Committee of 21 on the Force Bill, delivered in the Convention on Monday the 18th March. The following was the amendment offered :

We further ordain, that every person who shall be hereafter elected or appointed, or who has been heretofore elected or appointed to any office, civil or military, within this State, (members of the Legislature alone excepted) be required to take the following oath of allegiance :

" I declare myself a citizen of the free and sovereign state of South Carolina : I declare that my allegiance is due to the said State, and hereby renounce and abjure all other allegiance incompatible therewith, and I will be true and faithful to the said State, so long as I continue a citizen thereof : So help me God."

The officers heretofore elected and commissioned to take the oath of allegiance in — days from the ratification of this Ordinance, and in default thereof, the office of such person refusing or neglecting to take the same, to be vacated, as if such person were dead or had resigned, and the office be filled up as the law directs : and all officers hereafter to be elected as aforesaid, to take the said oath of allegiance at such time, and in such manner as such other oath or oaths are now required to be taken by such officer, and in default of such officer taking the oath of allegiance aforesaid, the said office to be vacant, and appointment be made thereto by the Governor for the unexpired term for which such officer was elected, except in the case of Judges before excepted.

And be it further ordained, that each and every elector, who may hereafter offer to exercise the elective franchise, in addition to the oath or oaths of qualification now required, shall take the aforesaid oath of allegiance, upon being required so to do by the managers of election, or any elector entitled to vote at the poll, when such voter presents his vote for acceptance, and upon his refusing to take the oath aforesaid, such person shall not be allowed to vote."

Mr. President, At the commencement of the debate upon the Report of the Committee, a degree of moderation and forbearance was not only professed, but observed, alike honorable to the speakers, and worthy of the occasion. Truth is best elicited by calm and temperate investigation. I regret that there has been a departure from that dignified moderation at first exhibited, and reflections made upon the proceedings of this body at its late session, which are wholly unsupported by facts. In the course of the observations which I am about to make, however invidious it may be to gentlemen on the other side, I shall briefly recite some

facts connected with the organized opposition to the State, which must convince all present of the necessity of adopting the amendment which I have had the honor to propose.

If a stranger to the subject matter of debate had entered these walls, and heard the solemn appeal made to the Convention by the honorable gentleman from Spartanburg, imploring moderation and forbearance, he must have come to the conclusion that some grievous oppression was about to be visited upon him, and those with whom he had been associated, in the late memorable contest between this State and the General Government. Nay, the solemn and impressive manner in which he was responded to, by my friend from Charleston, would have strengthened the conviction that some subject almost as grave and important as the destiny of a nation, was involved in the discussion. Let us inquire, Mr. President, what the subject really is; let us analyze it; let us disrobe it of the fictitious mantle which has been thrown around it, and then calmly inquire, whether a mountain has not been made out of a mole-hill? Whether we are not engaged in as ordinary a matter of Legislation as usually marks the proceedings of almost every General Assembly in the United States?—What, sir, is the question? It is nothing more than this—*Whether those, who administer the Government, should give an outward declaration of their allegiance to the State?*—View it in every possible light, turn and twist it as you may, it is nothing more than I have fairly stated it to be. Let us define allegiance, and the oath of allegiance. In doing this, sir, permit me to adopt the definition of Sir Edward Coke, one of the greatest jurists that ever lived. In his remarks upon this subject he says. “All citizens are equally bounden to their allegiance, as if they had taken the oath; because it is written by the finger of the law in their hearts, and the taking of the corporal oath is but the outward declaration of the same.” To this definition I would add, that in the outward declaration which is made, God the Father of all mercies and the searcher of hearts, is made a witness. Allegiance is either express, implied, or local and temporary. I here, sir, speak of implied allegiance, of that debt of gratitude which a natural born citizen owes to the land of his birth; which no change of time, place or circumstance should ever cancel. It is true, that in the case of express allegiance, a person changes the duties which he owes to the land of his nativity, and enters into a new engagement. Yet, notwithstanding this, the God of Heaven has so strongly graven upon the heart of man, love and affection for the place of birth, that he cannot obliterate the attachment. It matters not where we first drew our breath, whether it be on the lofty moun-

tain, or in the valley—whether in the view of the vast ocean, or by the side of the trickling streamlet, there, we believe, the sun shines brightest, the moon sheds her softest light, the stars scintillate most gratefully, the fields are greenest, and the melody of the birds the sweetest. If I am wrong in all this, I may safely ask to be forgiven, for he who gave me existence, has made it a part of my nature. No sir, I cannot be wrong, the sentiment is too strongly interwoven with all the best affections of my heart, to doubt upon the subject.

If sir, my definition of allegiance, and the oath of allegiance be correct, and if it is not, I beg gentlemen to give me a better. I gravely put the question to every one here present, and ask whether he is not ready and willing, whenever the exigencies of the State may require it, to give the outward demonstration of his inward attachment to the land of his birth? Is there any one who hears me, so cold and insensible, so dead to sympathy, as not to feel the wrongs done to the land of his nativity? Is there any one so craven, or so unnatural, as not to fly to her rescue in the hour of peril and danger? No Sir, there are, there can be, none.—The question, then Sir, resolves itself, into the expediency of the measure; and to ascertain this, I will briefly review the late, and present situation of our State.

For more than ten years, the Citizens of South Carolina have been grievously assailed to build up domestic manufactures. We have sent to our national Rulers, petitions, memorials, and remonstrances. We have solemnly protested against the unjust exactions which were made upon our industry. In the progress of our appeals, we told Congress distinctly, that if our wrongs were not redressed, we would resist the oppression at all and every hazard. Our voice was unheard, our Representatives were taunted; and the declarations we had made, ridiculed and condemned. The payment of the National Debt, was a period fixed by the President and his friends and supporters South of the Potomac, for the reduction of the imposts upon foreign merchandize to the revenue standard. I confess I was one of those who hoped against belief, that justice would be done us, when the national debt was cancelled. I need not tell you, Mr. President, who acted so conspicuous a part in the adjustment of the Tariff of 1832, that all our long cherished anticipations were destroyed, and our hopes for the future, forever blasted by that act, which was considered an administration measure. We were now convinced, that if there was no redeeming power within ourselves, we were destined to be “the hewers of wood, and drawers of water,” to the nobles of the North, who were receiving the most

unprecedented dividends upon their investments in manufacturing capital. In the most difficult and dangerous situation of a nation, it invariably happens, that in God's Providence, men are raised up, and fitted to the crisis. Such was our case. The few who still remained among us, that had fought and bled for liberty, and the descendants of the illustrious dead, determined to resist. Sir, they did resist and perilled fortune, honour and life in the cause of liberty. In this resistance, South Carolina expected that all her Sons would sustain her. She would not ask any outward declaration of allegiance. She did not believe that any of those around whose cradle she had watched with sleepless vigilance, and who had been protected in youth, and sustained in manhood, by the majesty of her laws, could desert her in the hour of her utmost need. Nay Sir, she believed that the Sons of her sister States, who had suffered alike with her own Sons, would rally around the Palmetto banner, and peril all that was sacred, for liberty! How was this generous confidence responded to, by the party to which the honorable gentleman from Spartanburgh is attached? I will tell you Sir. On the 24th of November last, the people in Convention determined to resist. On the 26th the General Assembly met, and were enacting such laws as were deemed necessary to make the resistance effectual. Simultaneously with their proceedings, the Union party sent delegates to this place, in order to devise measures, to defeat the State in her effort to redress the injuries of which she complained. The gentleman from Spartanburgh was one of this self-constituted assembly. What was the course resolved on by them, and recommended to their party? To go with the State? No Sir. They declare the solemn acts of the people in Convention not only unconstitutional, but the work of a dominant faction, and they would not yield obedience to them. That they would look on, unmoved, and with folded arms, and see your Cities sacked, and your fields deluged with the blood of their brethren, by a mercenary soldiery. Would to God the party had done nothing more than this. A confidential correspondence was kept up with General Jackson, who had determined to put South Carolina down with the bayonet. A Military organization was made in secret. An organization, I believe, more perfect than that which was made by the authority of Law. Officers were elected, drills established, and arms were sent from the United States Military Arsenal at Augusta, to Fort Moultrie, to be put in their hands. I have heard it positively asserted since I have been here, that a part of these Arms have been sent into the interior of the State. The fact does not come within my own knowledge, but I think it not improbable. In an adjoining

district, oaths of fidelity were administered, and the names of those who would obey the call of the President were enrolled. In the district of Horry, the Military organization was not only complete, but they had two encampments, in order to perfect themselves in the military art. In Chester District, as late as Friday last, a regiment between 8 and 900 strong, after being addressed by their Colonel, volunteered their services to the President, in order to put down the nullifiers. After parade and inspection, the colors were planted at a distance in front, and all those who intended to volunteer invited to pass in review before it. Many men of respectability took part in the ceremony. There were a few who refused to march. To their honor be it spoken. In Greenville and Spartanburgh there has also been an organization. Nay sir, there is no part of the State where there are men to organize, where organization has not taken place. In Charleston, the most active organization took place, immediately on the passage of your Ordinance of Nullification. Officers were elected from an Ensign to Brigadier, or public opinion is very much in error. The name of the Brigadier elect was publicly spoken of. Drills were had; and some wore a black cockade, with an eagle in the centre. A naval and military force was concentrated in the port. Heavy pieces of artillery were mounted on that side of Castle Pinckney which overlooked the city. The members of the Union party, were received on board the sloop of war Natchez and in the forts daily, and treated with marked respect and courtesy. Let me not be misunderstood, Mr. President, as intending to insinuate, that respect and politeness were not extended to the nullifiers by the naval and military officers on that station; but I mean to state, there was a cordiality and free and frequent intercourse with the Union party, which did not exist with the State Rights party. Nor is this to be wondered at—when we saw not only vessels of war lying with their broad sides at our doors, and a battery of heavy cannon bearing upon a sleeping city, was it not enough to enkindle in the hearts of freemen contending for liberty, at least a cold and distant deportment? It is not in the nature of man to receive the hand cordially to-day, which is to stab him to the heart to-morrow. The public press assumed a tone of haughty arrogance, which was inspired evidently by the military array that protected it—and the tone and temper of the party was evidently more supercilious than before. They avowed that their primary allegiance was due to the United States, and denounced the members of this Convention as traitors and tyrants.—And sir, at a late day, did they not invite all the officers, naval and military, in the port of Charleston, to an entertainment, in the very



presence of those they were sent here to butcher? The sloop of war Experiment took a position in the river which covered with her guns those who were arrayed in opposition to the State. The Bloody Bill was carried in triumph to the feast, and received with rapture and applause.—The morning after, the leading paper of the party congratulated the country upon the passage of the act which you have denounced in your report, and nullified by your Ordinance. It spoke of the olive branch in one hand and the thunder in the other. This, Sir, is but a faint picture of the character and conduct of that party which acted in concert with the honorable member from Spartanburgh. The amendment which I have introduced makes no invidious distinction, but puts all the citizens of the State upon an equal footing. And are you prepared to say, that it is not wise or expedient that those who have taken a part against the State, should now make an outward declaration of allegiance and fidelity to her? Are we without precedent for the measure? Have not the States of New Hampshire, Massachusetts, Vermont, Maryland, Virginia, and Kentucky incorporated an oath of allegiance in their Constitutions? Many other States have a constitutional provision, declaring and defining treason. But it is said, if this amendment passes, that there are many who will resist with force, before they will take the oath of allegiance; and civil war will be the consequence. Then, Sir, let civil war come! and it cannot come too soon. What! Mr. President, when the people of South Carolina deem it wise and proper to prescribe a rule to be observed by her citizens, is a desperate faction to turn her from her purpose?—When a Sovereign State is in her grand career, to secure not only happiness, but liberty itself, is she to turn aside because a fly is in her course? No, Sir, those who are unwilling to make the outward declaration of allegiance to the State, may leave it, and if they prefer resistance, meet that resistance as becomes you; lop off the excrescence, remove from your body politic the part which is rotten, that you may hereafter be healthful, and may know how to calculate upon your friends in the hour of danger. I cannot see, Sir, upon what ground any man can refuse to take an oath of allegiance. There is nothing dishonorable in it.—It is no tyrannical exaction.—The loyal citizen is not disfranchised. And I fearlessly put the question to every one present, and ask if there is any one in this assembly, who is prepared to avow, that gratitude, affection, and fidelity to the State of South Carolina, is not given upon his heart? Will any one deny it? Then, Sir, what reasonable objection can there be, to give to the world an outward declaration of that which is inseparable from our nature?

There are a class of men, Mr. President, in the State, whose situation imperatively calls upon you to establish a constitutional oath of allegiance. I call them *a class of men* (for I am at a loss how to describe their cosmopolitan character) who have been manufactured at the establishment of Lee, Goldsmith & Co., and who claim to be exempt from allegiance to South Carolina. I will tell you how they are manufactured, and you will say then that the evil should be remedied. On the eve of an election all foreigners in the City of Charleston are sought for with great diligence, in order to make them voters in the State elections.—As soon as an oath is made by them that brings them under any of the provisions of the acts of Congress upon the subject of naturalization, they seek sponsors for their character, who are easily found in Elliott-street, and preceded by counsel they are ushered into the presence of Thomas Lee, Esq. Judge of the District Court of the United States. When Mr. Deputy Marshal Goldsmith makes his proclamation that the court is open, in walk the *raw material*, and in the twinkling of an eye a Dane, a German, a Minorcan, or an Algerine, stands forth in the majesty of an American citizen. I had the necessity imposed upon me of attending to the proceedings of this court for one day.—When I looked round at the array of those in attendance to be milled, I was thoroughly reminded of Falstaff's description of his gallant company—In surveying them you were instinctively compelled to feel for your pocket book; yet for once in their lives they had excellent characters given them, but by men of no character themselves. If it was necessary to bring a man under the provision of the act of Congress which required his being in the United States at the age of eighteen, there was no difficulty in the case. Notwithstanding my objections, Judge Lee admitted one of these applicants to citizenship, who by his showing was but twenty-four years of age, and who had fifty years written upon his front at the time, in letters so glaring, that he who runs might read them. After the "be it so" of his Honor, comes the ceremony of taking the oath of allegiance. In one instance, I saw it taken by one, who claimed to be a Danish citizen, who I do not believe understood any part of the oath that was administered. He did not understand one word of English, French, German, Spanish, Italian, or any other language of the civilized world. The interpreter would repeat the oath, and sometimes he would nod assent, but evidently, in my opinion, knew nothing of the oath he had taken. Well, Sir, next in order comes the certificate of the Register, which certifies first, an abjuration of allegiance, and then the affirmation of fidelity to the United States; and last, though not the least important fact, that

the person named "*is a citizen of these United States.*" With the sand still upon the names of the Judge and the Register—the seal of the Court still wet, *the citizen of the United States* is brought before the managers, and by his vote influences your elections.—He is addressed in the language he understands, and told he owes no allegiance to any power but the United States, and he must vote against the State Rights party, or he will be guilty of perjury. I am one of those, Mr. President, who deny the right of the United States Courts to make citizens, and I utterly deny that there can be such a character as *a citizen of the United States*, but through the medium of citizenship of some particular State.—Congress, it is true, has the power *to establish an uniform rule of naturalization*, but that does not confer the power of naturalizing, nor ought it to be exercised by the Courts of the United States. If, Mr. President, the oath of allegiance to the State of South Carolina was exacted from *these citizens of the United States*, might they not feel it their duty to support the Constitution of the State. It might operate as a check upon them, if there was any moral principle to be reached, and if there was none, let them incur the penalty of that denunciation which the God of the Universe has ordained for their transgression.

But, sir, there are another class of persons among us who should be required to take an oath of allegiance to the State; a class that controls in your towns, to a very great extent, your popular elections. I mean those who come from our sister States, for the purposes of trade. Generally, it is their intention and fixed determination, as soon as they have realized a fortune, to return to the State of their nativity to enjoy their wealth with their friends and relatives. What community of interest or feeling have they with us? They are the agents generally of the manufacturers. Their gains are predicated upon the prosperity of the manufacturing interest. Is it not proper that this floating population should take the oath of allegiance and fidelity to the State whilst they remain citizens of it? If there be any objections to the requisition I am unable to discover them.

The honorable member from Spartanburg has appealed to us as a magnanimous and generous people, and requested forbearance. Sir, the people of South Carolina are magnanimous and generous, and have been so from their earliest history. Look to your revolution. In that memorable struggle the State had her Whigs and Tories. The Whigs were contending against tyrannical taxation, as we have lately been contending. The Tories avowed a primary allegiance to the mother country, as the Union party now avow a primary allegiance to the United States. The

Tories were organized, and fought in the ranks of our oppressors. The Union party are organized, and had the occasion offered, many would have been found in the ranks of the Federal army. So far the parallel holds good. The Jacksonborough Whig Assembly, confiscated the estates of some, and amerced others.— Yet, sir, when victory has perched upon our banner, a general amnesty was proclaimed, and the estates of the disaffected restored to them. Victory has now perched upon the Palmetto banner, and we offer the Union party the hand of fellowship, provided they will with us make an outward declaration of allegiance to South Carolina. We call upon them, therefore, to exhibit the same magnanimity, which they require us to practice. If, Mr. President, by an arrangement previously made, every citizen of the State was required, on a day and hour fixed, to take an oath of allegiance and fidelity to the State, how grand, how imposing, would the spectacle be. To see an entire nation, simultaneously devoting themselves to their country, and calling upon their God to witness the offering— Could this be done, then indeed would be restored that harmony and affection which ought to exist among brethren of the same family. Then would we be a happy and contented people.

There is a fact connected with our revolutionary history that is now but little known, except to the actors in the struggle for independence. As soon as it was discovered that a large body of the people had united with the enemy, an oath of allegiance was prescribed by the Legislature. That oath contained an abjuration of allegiance to Great Britain, and of fidelity to South Carolina. It required all those who did not take it, to leave the State in ten years, never to return; and if such person did return again, the offence was declared capital. Such was the enactment of men, who shrunk from no responsibility when their country was in danger. Who complained then of an oath of allegiance? The Tories! Who now implore you not to require an oath of allegiance from your citizens? I forbear to answer the question. Let us, sir, learn wisdom from an illustrious ancestry. Let us be animated with the same firmness and patriotism that marked their onward course to a glorious renown. The revolutionary oath of allegiance has never yet been repealed, if it be not virtually superseded by the Constitution of 1790. Doubts are entertained whether it is now of force. Let there be doubt no longer; let us settle the question for the future. But it has been said, if we prescribe an oath of allegiance, it will be making oaths too common. This is a strange objection to come from the honorable member from Spartanburgh. As Lawyer and Judge, I would

ask him how many thousands and tens of thousands of oaths he has witnessed the taking of in his life ?

The most ordinary question of private right is settled by oaths. A constable is not permitted to take his staff of office without an oath. Does not the gentleman know, that the oath of allegiance once taken, is taken for all time. If the gentleman is serious in his objection, I am willing to unite with him in any amendment, that shall render it unnecessary to be taken more than once.

It is now, Mr. President, nearly twenty-seven years, since I took a seat in the legislative councils of the State. I have in this lapse of time witnessed the passage of many important acts.— When we were contending with the most powerful nation on earth, and the general government was without arms and without funds, I have witnessed a zeal and devotion of our people not surpassed by any nation that ever existed. Our history, is a glorious history. Let us not from timidity and indecision tarnish our fame. If by the perfecting of a measure, just in itself, and which will give permanent security to our State hereafter, civil war is to come, then let it come. For one I am prepared to say, in the emphatic language of an honorable gentleman near me, “it is better that South Carolina should be the cemetery of freemen, than peopled with slaves.” I am opposed to giving this subject over to the Legislature. Let us take the responsibility which properly belongs to us. Come weal or come wo, I am ready to assume my full proportion of it. Sir, this may be the last time I shall ever hear the sound of my voice in these walls, and my last and solemn injunction to this assembly is, to do our duty to the State, and leave the consequences to God.

### **Gen. Hamilton's Closing Speech.**

Mr. Turnbull having moved that the Convention be dissolved, and Mr. Phillips, of All-Saints, having objected that the relations between Georgia and the General Government might soon require the further action of that Convention, Gen. Hamilton said :

In rising to sustain the motion of his friend from Charleston, he felt the impropriety of trespassing, at a moment like the present, on the time and patience of the Convention. He would therefore be brief. He hoped that in the terms of our adjournment, the word “dissolved” would be used, that it might be emphatically put on record that this body was dissolved, and that too by its own volition. This would at once silence the reproaches that had been heaped upon our State, that there existed among us a standing, organized, omnipotent and revolutionary body, to strike wherever and whenever we will, ready to dissolve the very fabric of Go-

vernment. Let us give back to the people that sovereignty with which they clothed us; return to our homes to perform the duties we owe there; and in the solace the performance of those duties would give, assuage some of those asperities of which this painful contest has been so prolific. Absolute power is indeed a portentous trust! Now, that the special duty which the people assigned to us, has been performed he felt satisfied the Convention desired to surrender what cannot long be safe in the hands of any man or set of men—safe only in the hands of Him who unites to omnipotence, unbounded justice, wisdom, and benevolence.

This Convention has done enough, amidst all the obliquy which had been poured upon it.—It has struck successfully for the liberties of the Country—It has asserted and maintained, amidst circumstances of stupendous difficulty and dismay, the rights of the States, and the true theory of the Constitution—It has secured to our industry, as far as the faith of legislation could secure it, a comparative freedom of trade, steadily and gradually augmenting, and last though not least, it has vindicated and upheld another glorious example of powerful as well as successful resistance to unauthorized power.

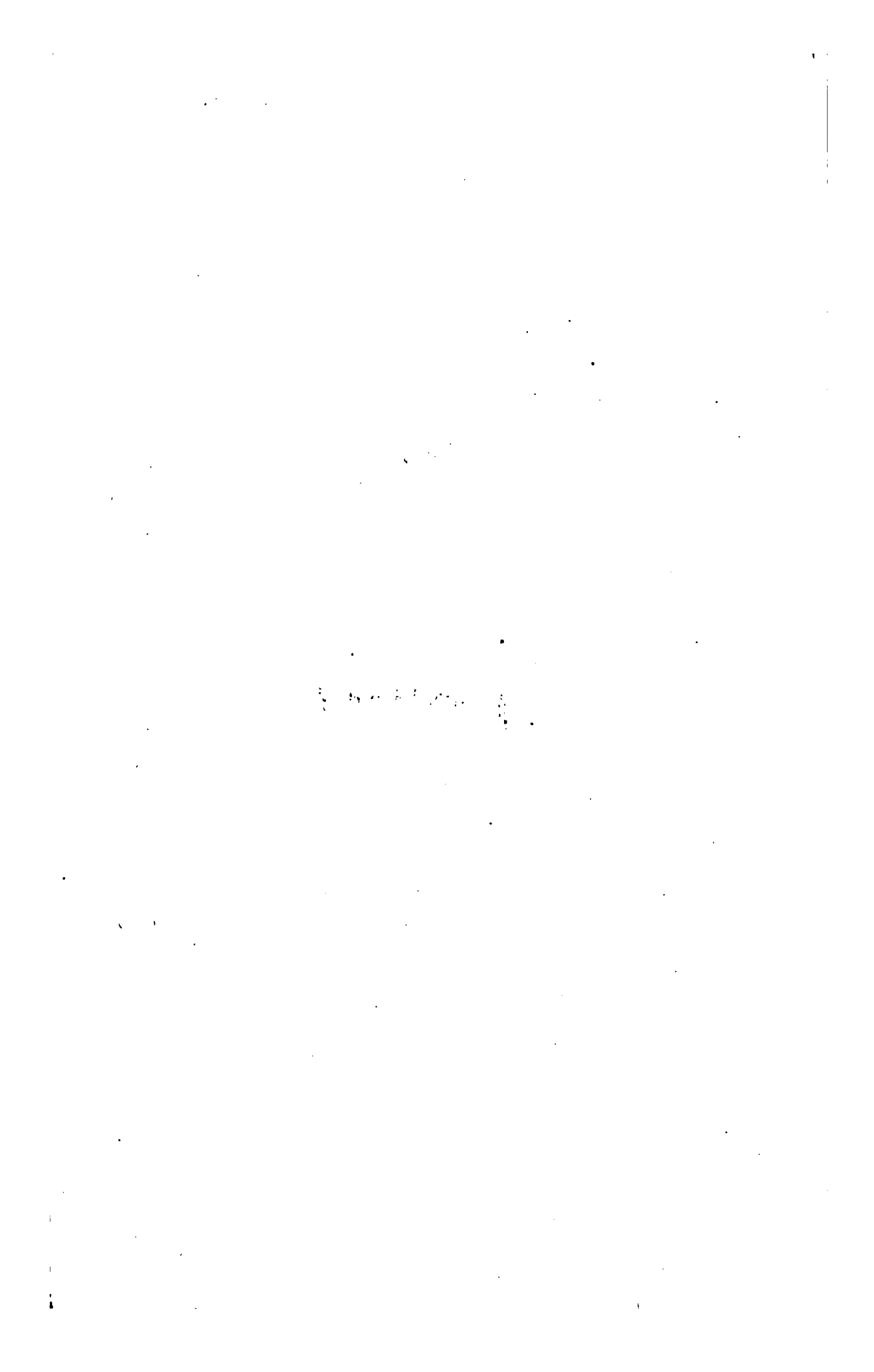
He could not assent to the reason which the patriotic gentleman from All-Saints (Mr. Phillips) had urged for our continuance in power, that the General Government might coerce Georgia, because it was understood after the passage of the Force Bill, the Cherokees had suspended their negotiations, and that two of the sections of that Bill were enacted in special reference to our contumacious neighbor, and hence we ought to be ready and in a position to assist her. In reply he would barely remark, that we were not a Convention of the people of Georgia, but of the people of South Carolina; and God knows, we have had difficulties enough of our own to contend with, without now indulging in a volunteer crusade in behalf of those who, at least on the first onset, were fully capable of taking care of themselves. Besides he did not believe, even if Georgia pushed to the very extremity of violence, the claims of her territorial supremacy, "our good king would touch a hair upon her head." It was well known that this amiable monarch had two measures of justice, one for those whom he likes, and one for those whom he hates, one for one side of the Savannah River, and another for the other side; and he felt satisfied that in the discriminating justice and tender mercies of the royal bosom, our friends *there* were quite safe.—But if they were not, if the President, with that wayward caprice which sometimes belongs to men in power, should change his policy towards our neighbor, or find his own head in the very noose he

vainly thought his new allies had prepared for our necks,—our legislature is amply competent to meet the exigency which the peril of a sister State would present.—At such a crisis as this, South Carolina, through her ordinary constitutional organs, would not falter. No, she would not, for a saving grace with the other States, declare that “we abhor Nullification,” because it was Georgia Nullification, and happened not to be our own; we would not return even past unkindness and reproach, by apathy and neglect. When Georgia shall be beset with difficulties, threatened with invasion, borne down by a distempered public opinion, persecuted, outraged and abused, we will not select *that* moment to strike the fratricidal dagger in her bosom!—No, if our Legislature failed to do its duty, our people by one consentaneous burst of enthusiasm, would rush to the rescue. If her Legislature did not deserve this at our hands, the gallant band in that State, who had stuck to us with such a steady friendship, “through evil and through good report,” who have never despaired of the cause, who have given us their generous sympathy when even kind words brought comfort with them, and promised their strong arms and stout hearts at that moment when words would have been of no avail, are entitled to this at our hands.—Let us then leave the matter to our people, they will not be at fault, and return to them, with an unfaltering confidence that thus far we have done our duty.























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